

TITLE IV. LAND USE

CHAPTER 400: ZONING AND PLANNING COMMISSION



Cross References—As to required approval of zoning and planning commission before recording of subdivision plat, see §410.020 of this Code; as to duties of zoning and planning commission relative to administration and enforcement of provisions concerning subdivision of land, see §410.130; as to board of adjustment generally, see §405.815 et seq.

SECTION 400.010: CREATION OF ZONING AND PLANNING COMMISSION—COMPOSITION

The Zoning and Planning Commission of this City shall consist of not more than ten (10) members, including the Mayor, a member of the Council selected by the Council and at the option of the City Council, the City Engineer or similar City official and not more than seven (7) citizens appointed by the Mayor and approved by the Council. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Council may remove any citizen member for cause stated in writing and after public hearing.

SECTION 400.020: OFFICERS—BY-LAWS AND RULES OF PROCEDURE

At the first (1st) meeting of the Zoning and Planning Commission in January of each year the Commission shall elect a Chairman, Secretary and such other officers as may be appropriate; and the Commission shall adopt or readopt such by-laws and rules of procedure, not inconsistent with State law, this Code or other ordinance, as they may deem expedient for the transaction of their business. (CC 1975 §2-46; Ord. No. 260 §4)

SECTION 400.030: MEETINGS—REPORTS TO CITY COUNCIL

The Zoning and Planning Commission shall meet in regular session at least once each month and at such other times as they need be convened by the call of the Chairman of the Commission; and on all matters referred to them by the City Council, they shall report back to the Council the progress of all matters before them at the next regular meeting of the Council immediately following the last regular or special meeting of the Commission. (CC 1975 §2-47; Ord. No. 260 §5)

SECTION 400.040: POWERS AND DUTIES GENERALLY

The Zoning and Planning Commission shall have the powers and perform the duties specified for Municipal Zoning and Planning Commissions in Chapter 89, RSMo., and as may be prescribed for them in this Code and in other ordinances and resolutions of the City Council. (CC 1975 §2-48)

CHAPTER 405: ZONING REGULATIONS

Cross References—As to zoning and planning commission generally, see ch. 400 of this Code; as to buildings generally, see ch. 500; as to advertising signs and billboards generally, see ch. 415; as to property maintenance code, see ch. 505; as to streets, sidewalks and public places generally, see ch. 510; as to subdivision of land, see ch. 410.

ARTICLE I. IN GENERAL

Editor's Note—Ord no. 346, from which this chapter derives, was adopted February 10, 1969, following a public hearing held pursuant to prior notice duly published, in compliance with §89.050, RSMo.; ord. no. 346 became effective from passage.

*For a case holding that zoning regulations are distinct in character from building regulations, but such regulations are not necessarily inconsistent with each other and both sets of regulations may remain in full force at the same time, see *Gavosto v. Town of Normandy*, 452 S.W. 2d 308 (St. Louis ct. app., 1970).*

SECTION 405.010: CHAPTER ESTABLISHES MINIMUM REQUIREMENTS— CONSTRUCTION OF CHAPTER WITH REQUIREMENTS OF OTHER REGULATIONS, ETC.

In interpreting and applying the provisions of this Chapter, they shall be construed to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. Wherever the regulations of this Chapter require a greater width or size of yards, courts or other open spaces or require a lower height of building or less number of stories or require greater percentage of lot to be left unoccupied, or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other order or regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of such other order, regulation, private deed restriction or private covenant is the more restrictive, those requirements shall govern.
(CC 1975 §31-1; Ord. No. 346 Art. 1, §2, 2-10-69)

SECTION 405.020: DEFINITIONS

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ACCESSORY BUILDING: A portion of the main building or a detached subordinate building located on the same lot, the use of which is customarily incident to that of the main building or to the use of the land. Where a substantial part of the wall of an accessory building is a part of the main building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as part of the main building.

ACCESSORY LIVING QUARTERS: Living quarters within an accessory building located on the same premises with the main building, for the sole use of persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling by persons with other employment.

ALLEY: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APARTMENT HOUSE: Same restrictions as apply to "*dwelling, multiple*".

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement, where more than one-half ($\frac{1}{2}$) of its height is above the average level of the adjoining ground.

BOARDING HOUSE: A building other than a hotel where, for compensation, meals or lodging and meals are provided for not more than three (3) persons.

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. Where dwellings are separated from each other by a division wall without openings, each portion of such dwelling shall be deemed a separate building. The word "*building*" includes the word "*structure*", and those structures on wheels or other supports used for business, storage or living purposes.

BUILDING, HEIGHT OF: The vertical distance measured from the adjoining curb level, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

DISTRICT: A section of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DWELLING: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

DWELLING, GROUP: One (1) or more buildings, not more than two and one-half ($2\frac{1}{2}$) stories in height, containing dwelling units and arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Zoning and Planning Commission, including one-family, two-family, row or multiple-dwellings.

DWELLING, MULTIPLE: A building or portion thereof designed for or occupied by more than two (2) families.

DWELLING, ROW: A row of three (3) to six (6) attached one-family dwellings, not more than two and one-half (2½) stories in height, nor more than two (2) rooms deep.

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building designated for or occupied exclusively by two (2) families.

FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than three (3) persons, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

FARM: An area which is used for the growing of the usual farm products, such as vegetables, fruit trees, horticultural growing and products, and for their packing or storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine, as secondary to crop raising. The term "*farm*" shall include the commercial feeding of garbage or offal to swine or other animals.

FENCE: An artificially constructed barrier of any material or combination of materials erected so as to enclose or screen from view or access areas of land and which is in excess of twenty-four (24) inches in vertical height from the underlying ground.

FILLING STATION OR AUTOMOBILE SERVICE STATION: Any building or premises used for dispensing, sale or offering for sale at retail of any automobile fuels or oils, as limited in the remainder of this Section. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage. No tanks or receptacle used for the storage of gasoline or automobile fuel shall be permitted as part of a filling station or automobile service station, unless it is located below the surface of the ground or grade, except by special permit of the City Council.

FRONTAGE: All of the property on one (1) side of a street between two (2) intersecting streets, crossing or terminating, measured along the line of the street, or if the street is dead-ended, all the property abutting on one (1) side between an intersecting street and the dead-end street.

GARAGE, PRIVATE: An accessory building housing not to exceed four (4) motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than one and one-half (1½) tons capacity.

GARAGE, PUBLIC: Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles, subject to the following limitations: Tanks or receptacles used for the storage of gasoline or automobile fuel shall be located below the surface of the ground or grade, except by special permit of the City Council.

GARAGE, STORAGE: Any building or premises, used for housing or storing or parking of self-propelled vehicles pursuant to previous arrangements, and at which automobile fuels and oils may or may not be sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE:

1. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
4. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

GROUP HOME: A group home shall include any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within two thousand (2,000) feet of another group home.

HOME OCCUPATION: Any business, profession, occupation, enterprise or endeavor, except for those defined elsewhere in this Chapter, carried on for commercial or public purposes exclusively by one (1) or more members of the family residing on the premises and in connection with which there are no signs or display that will indicate from the exterior of the building that the building is being used for any purpose other than that of a dwelling; provided further, that any such activity which employs or compensates any persons other than family members residing on the premises, or which maintains in, on or about such premises any stock-in-trade, goods or commodities sold, rented or leased to or for hire by the public in such a manner as to be visible to members of the public, or which includes or involves the use, maintenance, storage or repair of any mechanical equipment (other than such customarily used for domestic or household activities), in, on or about such premises in such a manner as to be visible to or audible by members of the public, or for which purposes more than twenty percent (20%) of the actual square footage of the largest building on the premises are utilized, shall not be a "home occupation" as used in this Chapter.

HOTEL: A building in which lodging, or lodging and meals, is provided and offered to the public for compensation, which is open to transient guests or which will accommodate more than three (3) persons for lodging and meals, whether transient or not.

INSTITUTION: A building occupied by a non-profit corporation, or a non-profit establishment for public use.

KENNEL: The use of land or buildings for the purpose of selling, breeding, boarding, training or the keeping of three (3) or more dogs over four (4) months of age. The word "selling" as herein used shall not be construed to include the sale of dogs four (4) months of age or younger which are the natural increase of dogs kept by persons not operating a kennel as herein defined; nor shall "selling" be determined to include isolated sales of dogs over four (4) months old by persons not operating a kennel as herein defined.

LODGING HOUSE OR DORMITORY: A building or place where lodging is provided, or which is equipped regularly to provide lodging by prearrangement for a definite period, for compensation, for three (3) or more persons, in contradistinction to hotels open to transients.

LOT: A parcel of land occupied or intended for occupancy by use permitted in this Chapter, including one (1) main building, together with its accessory buildings, the open spaces and parking spaces required by this Chapter and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A lot abutting two (2) or more streets at their intersection.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of the County, after proper approval; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds prior to February 10, 1969.

MOTEL OR MOTOR COURT: An area containing one (1) or more permanent structures designed for temporary living facilities and intended primarily for automobile transients, whether or not providing garages for automobiles, and not to accommodate tents or trailers or include a seasonal resort area or summer homes.

NON-CONFORMING USE: Any building or land lawfully occupied by a use on February 10, 1969, or at the time of passage of any applicable amendment to this Chapter, which does not conform after such date with the use of regulations of the District in which it is situated.

PARKING SPACE: A durably paved surface area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) standard automobile and, if the space is unenclosed, comprising an area of not less than two hundred (200) square feet, exclusive of durably paved surface driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

ROOMING HOUSE: See "lodging house."

SPLIT LEVEL OR SPLIT FOYER CONSTRUCTION: Construction of a story partly or wholly underground. In split level construction the lowest level shall be counted as a story for purposes of height measurement, where more than one-half ($\frac{1}{2}$) of its height is above the average level of the adjoining ground.

STABLE, PRIVATE: A stable with capacity of not more than two (2) horses; provided, that the capacity of a private stable may be increased if the premises whereon such stable is located contains an area of not less than one (1) acre for each horse accommodated.

STORY: Any structure or part of a structure not in excess of fifteen (15) feet, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area is finished off for use.

STREET: All property dedicated or intended for a public or private street, highway, freeway or roadway purpose, or subject to easements therefor.

STREET LINE: A dividing line between a lot, tract or parcel of land and contiguous street.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas, radio towers, memorials and ornamental structures. The word "*structure*" includes the word "*building*," in addition to the foregoing.

TOURIST CAMP OR COURT: An area containing one (1) or more structures designed or intended to be used as temporary living facilities for two (2) or more families and intended primarily for automobile transients or other tourists.

TRAILER: Any structure used, or capable of being used, for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "*trailer*" shall include camp car and house car. A permanent foundation shall not change its character if the structures can be removed therefrom practically intact.

TRAILER CAMP: An area used for the parking of two (2) or more tents or trailers designed or intended to be used as temporary living facilities for two (2) or more families and intended primarily for automobile transients or other tourists, and not to be used for business or storage trailers.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entrance way.

YARD, REAR: A yard extending across the rear of a lot, measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of a main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot, extending from the front building line to the rear building line. (CC 1975 §31-2; Ord. No. 346 Art. 2, §1, 2-10-69; Ord. No. 348 §1; Ord. No. 235 §1, 6-11-85; Ord. No. 263 §1, 3-10-87)

SECTION 405.030: BUILDING PERMIT—REQUIRED FOR CERTAIN PURPOSES

No building or structure shall be erected, reconstructed or structurally altered, nor shall any work be started thereon, until a building permit has been issued therefor by the Building Commissioner of the City, which permit shall state that the building complies with all the provisions of this Chapter. (CC 1975 §31-3; Ord. No. 346 Art. 17, §2, 2-10-69)

Cross Reference—As to prohibition of issuance of permits to delinquent taxpayers, see §100.230 of this Code.

SECTION 405.040: BUILDING PERMIT—APPLICATION FOR PERMIT TO BE ACCOMPANIED BY PLANS, ETC.

- A. All applications for building permits shall be accompanied by plans in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings and accessory buildings existing and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families the building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Chapter. Applications shall also include, where applicable, sewage disposal plans. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Commissioner.
- B. All dimensions shown on such plans relating to the location and size of the lot to be built upon shall be based upon an actual survey. The lot and locations of the building thereon shall be staked out on the ground before construction is started. (CC 1975 §31-4; Ord. No. 346 Art. 17, §2, 2-10-69)

SECTION 405.050: ARCHITECTURAL CONFORMITY AND COMPATIBILITY OF PROPOSED BUILDING WITH SURROUNDING BUILDINGS AS AFFECTING ISSUANCE OF BUILDING PERMIT

- A. Every dwelling erected within the City shall have a minimum ground floor area of not less than nine hundred (900) square feet, or a minimum of eleven hundred (1,100) square feet without basement, exclusive of unroofed porches and garages, and shall provide indoor sanitary facilities. Its architecture and general appearance shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the community in which it is located.
- B. Every application for a building permit for a residential or other building which, in the opinion of the Building Commissioner, indicates that such building would be unsuitable, when compared to surrounding residential and other buildings, is detrimental to the stability of values of surrounding property and does not conform in general to the surrounding property, shall be submitted by the Building Commissioner, along with plans, elevations, detailed drawings and specifications, to the Zoning and Planning Commission of the City before being finally approved by the Building Commissioner.
- C. If the Zoning and Planning Commission shall return the application to the Building Commissioner without disapproval, the Building Commissioner may issue the permit. Failure by the Commission to act within thirty (30) days after the Building Commissioner shall have delivered the plans to the Commission shall be authority for the Building Commissioner to issue such permit.
- D. If the Zoning and Planning Commission shall return the application to the Building Commissioner with disapproval and recommendations, the Building Commissioner may issue the permit; provided, that the applicant shall make appropriate changes in the drawings and specifications and agree to comply with the recommendations of the Commission.
- E. If the Zoning and Planning Commission shall return the application to the Building Commissioner with its disapproval and without recommendations, the Building Commissioner shall refuse to issue the permit; and if the Zoning and Planning Commission shall return the application to the Building Commissioner with its disapproval and with recommendations, and the applicant shall refuse to comply with the recommendations, the Building Commissioner shall refuse to issue the permit.

- F. In the event an application is refused by the Building Commissioner under the provisions of Subsection (E) of this Section, the applicant may appeal from such action to the Board of Adjustment in accordance with the provisions of Article XV of this Chapter.
(CC 1975 §31-9; Ord. No. 346 Art. 16, §1, 2-10-69)

**SECTION 405.060: REQUIRED COMPLIANCE WITH DISTRICT REGULATIONS—
MINIMUM YARDS AND OPEN SPACES—NUMBER OF BUILDINGS ON
LOT**

Except as hereinafter provided:

1. No building shall be erected, maintained, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the District regulations established by this Chapter for the District in which the building or land is located.
2. The minimum yards and other open spaces, including the intensity of use provisions contained in this Chapter for each building shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other buildings.
3. Every building erected or structurally altered shall be located on a lot, and in no case shall there be more than one (1) main building on one (1) lot, except as provided in Article XII of this Chapter. (CC 1975 §31-11; Ord. No. 346 Art. 3, §5, 2-10-69)

SECTION 405.070: HOME OCCUPATIONS

All home occupations, as defined in Section 405.020 which constitute a non-conforming use, may continue to exist until there is a change of ownership, occupancy, or nature or extent of use of the premises on which the home occupation is situated. (Ord. No. 235 §2, 6-11-85)

SECTION 405.080: VIOLATIONS—PENALTIES

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 and 89.140, RSMo., or this Chapter, the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 and 89.140, RSMo.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part

or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars

(\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

Cross Reference—As to general penalty for violations of code, see §100.220 of this Code.

SECTION 405.090: ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Chapter in accordance with the administrative provisions of the Building Code and of this Chapter. (CC 1975 §31-14; Ord. No. 346 Art. 17, §1, 2-10-69)

Cross Reference—As to the building code, see chapter 500 of this Code.

ARTICLE II. DISTRICTS GENERALLY

SECTION 405.100: PURPOSE OF DISTRICTS—DIVISION OF CITY INTO DISTRICTS

In order to classify, regulate and restrict the location of trades, residences and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings to regulate and limit the intensity of the use of the lot areas and to regulate and determine the areas of yards and other open spaces within and surrounding such buildings, the City is hereby divided into Districts, of which there shall be seven (7) Districts in number, known as:

"A" Single-Family Dwelling District.

"B" Single-Family Dwelling District.

"C" Two-Family Dwelling District.

"D" Multiple Dwelling District.

"E" Local Business District; Neighborhood Shopping District.

"F" Commercial District.

"G" Light Industrial District. (CC 1975 §31-15; Ord. No. 346 Art. 3, §1, 2-10-69)

SECTION 405.110: DISTRICT BOUNDARIES—ESTABLISHED—OFFICIAL ZONING MAP

The boundaries of the Districts as shown upon the "Official Zoning Map" which is properly attested to and on file in the office of the City Clerk, together with all the notations, references and other information shown thereon, is hereby incorporated in and made a part of this Section, and such map, with all the notations, references and other information shown thereon, shall have the same force and effect as if the Official Zoning Map and all the notations, references and other information shown thereon were all fully set forth or described herein. (CC 1975 §31-16; Ord. No. 346 Art. 3, §2, 2-10-69; Ord. No. 322 §1, 7-9-91)

SECTION 405.120: DISTRICT BOUNDARIES—RULES WHERE UNCERTAINTY MAY ARISE

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Official Zoning Map, the following rules apply:

1. The District boundaries are either streets or alleys, unless otherwise shown, and where the Districts designated on the Official Zoning Map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the District.
2. Where the District boundaries are not otherwise indicated, and where the property has been or may be divided into blocks and lots, the District boundaries shall be construed to be the lot lines, and where the Districts designated on the Official Zoning Map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the Districts, unless the boundaries are otherwise indicated on the Official Zoning Map.
3. In unsubdivided property, the District boundary lines on the Official Zoning Map shall be determined by use of the scale appearing on the map. (CC 1975 §31-17; Ord. No. 346 Art. 11, §1, 2-10-69)

SECTION 405.130: DISTRICTING OF TERRITORY ANNEXED TO CITY

All territory which may be annexed to the City shall automatically be classed as lying and being in the "A" Single-Family District, unless otherwise specifically provided by law, until such classification shall have been changed by an amendment to this Chapter, as provided by law. (CC 1975 §31-18; Ord. No. 346 Art. 3, §3, 2-10-69)

SECTION 405.140: EFFECT OF VACATION OF STREETS AND OTHER PUBLIC WAYS

Whenever any street, alley or other public way is vacated by official action of the City Council or other public officials, the Zoning Districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all regulations of the extended Districts. (CC 1975 §31-19; Ord. No. 346 Art. 3, §4, 2-10-69)

ARTICLE III. "A" SINGLE-FAMILY DWELLING DISTRICT**SECTION 405.150: REGULATIONS GENERALLY**

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the District Regulations in the "A" Single-Family Dwelling District.
(CC 1975 §31-20; Ord. No. 346 Art. 4, §1, 2-10-69)

SECTION 405.160: USE REGULATIONS

Except as otherwise provided, business and industry are specifically prohibited, and a building or premises shall be used only for the following purposes:

1. Single-family dwellings;
2. Group homes except that the exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards and no group home shall be located within two thousand (2,000) feet of another group home;
3. Golf courses, except miniature courses or practice driving tees operated for commercial purposes;
4. Home occupations;
5. Parks, playgrounds and community buildings owned or operated by the City.
6. Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business, including quarters for servants employed on the premises, private garages; except, that any detached accessory building shall be located not less than sixty (60) feet from any building line established by an existing main structure upon a lot.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work. (CC 1975 §31-21; Ord. No. 346 Art. 4, §2, 2-10-69; Ord. No. 158 §1, 6-8-82)

SECTION 405.170: HEIGHT REGULATIONS

No building shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height, except as provided in Article XII of this Chapter.
(CC 1975 §31-22; Ord. No. 346 Art. 4, §3, 2-10-69)

SECTION 405.180: AREA REGULATIONS—FRONT YARD

- A. There shall be a front yard having a depth of not less than thirty (30) feet, unless forty percent (40%) or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than ten (10)

feet, in which case no building shall project beyond the average front yard so established. Front yards shall conform to minimum standard widths of street and roads, and to

future street and highway widenings according to the setback lines provided for in Article XI of this Chapter for major highways. Front yards shall be determined by the setback lines, with measurement from the centerline of the major highway right-of-way where setback lines are therein established, and otherwise from an actual or potential right-of-way line of a street or highway with a fifty (50) foot width.

- B. Where lots have a double frontage, a required front yard shall be provided for on both streets; except, that the buildable width of such lot shall not be reduced to less than forty (40) feet, in which latter event the Building Commissioner may waive this requirement as to the street which will least affect surrounding property values. (CC 1975 §31-23; Ord. No. 346 Art. 4, §4, 2-10-69)

SECTION 405.190: AREA REGULATIONS—SIDE YARD

- A. Except as provided in Article XII of this Chapter, there shall be a side yard on each side of the building, having a width of not less than eight (8) feet.
- B. Wherever a lot of record existing on February 10, 1969, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.
(CC 1975 §31-24; Ord. No. 346 Art. 4, §4, 2-10-69)

SECTION 405.200: AREA REGULATIONS—REAR YARD

Except as provided in Article XII of this Chapter, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed forty (40) feet. (CC 1975 §31-25; Ord. No. 346 Art. 4, §4, 2-10-69)

SECTION 405.210: AREA REGULATIONS—MINIMUM LOT AREA

Every lot or tract of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than seventy (70) feet; except, that if a lot or tract has less area or width than herein required and was of record on February 10, 1969, that lot or tract may be used for any of the uses permitted by this Article. (CC 1975 §31-26; Ord. No. 346 Art. 4, §4, 2-10-69)

ARTICLE IV. "B" SINGLE-FAMILY DWELLING DISTRICT

SECTION 405.220: REGULATIONS GENERALLY

The regulations set forth in this Article, or set forth elsewhere in this Chapter when referred to in this Article, are the District Regulations in the "B" Single-Family Dwelling District.
(CC 1975 §31-27; Ord. No. 346 Art. 5, §1, 2-10-69)

SECTION 405.230: USE REGULATIONS

A building or premises shall be used only for the purposes of the uses permitted in the "A" Single-Family Dwelling District. (CC 1975 §31-28; Ord. No. 346 Art. 5, §2, 2-10-69)

SECTION 405.240: HEIGHT REGULATIONS

No building shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height, except as provided in this Article XII of this Chapter.
(CC 1975 §31-29; Ord. No. 346 Art. 5, §3, 2-10-69)

SECTION 405.250: AREA REGULATIONS—FRONT YARD

The front yard regulations are the same as those in the "A" Single-Family Dwelling District.
(CC 1975 §31-30; Ord. No. 346 Art. 5, §4, 2-10-69)

SECTION 405.260: AREA REGULATIONS—SIDE YARD

- A. Except as provided in Subsection (B) of this Section and in Article XII of this Chapter, there shall be a side yard on each side of a building, having a width of not less than six (6) feet.
- B. Whenever a lot of record existing on February 10, 1969, has a width of less than fifty (50) feet, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet.
(CC 1975 §31-31; Ord. No. 346 Art. 5, §4, 2-10-69)

SECTION 405.270: AREA REGULATIONS—REAR YARD

Except as provided in Article XII of this Chapter, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.
(CC 1975 §31-32; Ord. No. 346 Art. 5, §4, 2-10-69)

SECTION 405.280: AREA REGULATIONS—MINIMUM LOT AREA

Every lot shall have an area of not less than seven thousand five hundred (7,500) square feet and an average width of not less than fifty-five (55) feet; except, that if a lot has less area or width than herein required, and was of record on February 10, 1969, that lot may be used for any of the uses permitted by this Article. (CC 1975 §31-33; Ord. No. 346 Art. 5, §4, 2-10-69)

ARTICLE V. "C" TWO-FAMILY DWELLING DISTRICT**SECTION 405.290: REGULATIONS GENERALLY**

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the District Regulations in the "C" Two-Family Dwelling District.
(CC 1975 §31-34; Ord. No. 346 Art. 6, §1, 2-10-69)

SECTION 405.300: USE REGULATIONS

Except as otherwise provided, business and industry are specifically prohibited, and a building or premises shall be used only for the following purposes:

1. Any use permitted in the "A" Single-Family Dwelling District.
2. Two-family dwellings. (See Sections 405.330–405.350).
3. Accessory buildings and uses customarily incident to any of the above uses, not involving the conduct of a business, including private garages; except, that any detached accessory building shall not be less than sixty (60) feet from the front lot line. An accessory building shall not be permitted to project beyond the building line established by an existing main structure on such parcel of land. (CC 1975 §31-35; Ord. No. 346 Art. 6, §2, 2-10-69)

SECTION 405.310: PARKING REGULATIONS

Whenever a structure is erected, converted or structurally altered for a two-family dwelling, there shall be provided accessible parking space on the lot adequate to accommodate two (2) cars for each dwelling unit provided in the main building, and no parking in front of the building. (CC 1975 §31-36; Ord. No. 346 Art. 6, §3, 2-10-69)

SECTION 405.320: HEIGHT REGULATIONS

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in this Article XII of this Chapter. (CC 1975 §31-37; Ord. No. 346 Art. 6, §4, 2-10-69)

SECTION 405.330: AREA REGULATIONS—FRONT YARD

The front yard regulations are the same as those in the "B" Single-Family Dwelling District (Article IV of this Chapter). The front yard shall be exclusive of a driveway or parking area. (CC 1975 §31-38; Ord. No. 346 Art. 6, §5, 2-10-69)

SECTION 405.340: AREA REGULATIONS—SIDE YARD

- A. Except as provided in Article XII of this Chapter, there shall be a side yard on each side of a building, having a width of not less than six (6) feet. The side yard shall be exclusive of a driveway or parking area.
- B. Whenever a lot of record existing on February 10, 1969, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instance shall it be less than three (3) feet. (CC 1975 §31-39; Ord. No. 346 Art. 6, §5, 2-10-69)

SECTION 405.350: AREA REGULATIONS—REAR YARD

The rear yard regulations are the same as those in the "B" Single-Family Dwelling District (Article IV of this Chapter). (CC 1975 §31-40; Ord. No. 346 Art. 6, §5, 2-10-69)

SECTION 405.360: AREA REGULATIONS—MINIMUM LOT AREA

Every lot within this District, regardless of use, shall contain an area of not less than eight thousand (8,000) square feet; provided, that a lot on which there is erected a two-family dwelling shall contain an area of not less than four thousand (4,000) square feet per family. (CC 1975 §31-41; Ord. No. 346 Art. 6, §5, 2-10-69)

ARTICLE VI. "D" MULTIPLE-DWELLING DISTRICT**SECTION 405.370: REGULATIONS GENERALLY**

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the District Regulations in the "D" Multiple-Dwelling District. (CC 1975 §31-42; Ord. No. 346 Art. 7, §1, 2-10-69)

SECTION 405.380: USE REGULATIONS

Except as elsewhere provided, business and industry are specifically prohibited, and a building or premises shall be used only for the following purposes:

1. Any use permitted in the "C" Two-Family Dwelling District.
2. Multiple dwellings.
3. Group dwellings.
4. Row dwellings.
5. Boarding or lodging houses.
6. Fraternities, sororities, dormitories and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
7. Accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple-dwelling, hospital or institutional building. If a storage garage is not a part of the main building, it shall be located not less than sixty (60) feet from the front lot line. An accessory building shall not be permitted to project beyond the building line established by an existing main structure on such parcel of land, or to be located less than five (5) feet from any side lot line. (CC 1975 §31-43; Ord. No. 346 Art. 7, §2, 2-10-69)

SECTION 405.390: PARKING REGULATIONS

Where a lot is occupied by a multiple-dwelling, there shall be provided accessible parking space on a lot adequate to accommodate two (2) cars for each dwelling unit provided in the main building, but not between the street and building. (CC 1975 §31-44; Ord. No. 346 Art. 7, §3, 2-10-69)

SECTION 405.400: HEIGHT REGULATIONS

No building shall exceed three (3) stories or forty-five (45) feet in height, at the required front, side and rear yard lines, except as provided in Article XII of this Chapter. (CC 1975 §31-45; Ord. No. 346 Art. 7, §4, 2-10-69)

SECTION 405.410: AREA REGULATIONS—FRONT YARD

The front yard regulations are the same as those in the "B" Single-Family Dwelling District (Article IV of this Chapter). The front yard shall be exclusive of a driveway or parking area. (CC 1975 §31-46; Ord. No. 346 Art. 7, §5, 2-10-69)

SECTION 405.420: AREA REGULATIONS—SIDE YARD

- A. The side yard regulations for buildings not exceeding two and one-half (2½) stories in height are the same as those in the "C" Two-Family Dwelling District (Article V of this Chapter).
- B. There shall be a side yard on each side of a three (3) story building, which shall have a width of not less than fifteen (15) feet. (CC 1975 §31-47; Ord. No. 346 Art. 7, §5, 2-10-69)

SECTION 405.430: AREA REGULATIONS—REAR YARD

- A. The rear yard regulations for buildings not exceeding two and one-half (2½) stories in height are the same as those in the "B" Single-Family Dwelling District (Article IV of this Chapter).
- B. A three (3) story building shall have a rear yard of not less than forty (40) feet in depth. (CC 1975 §31-48; Ord. No. 346 Art. 7, §5, 2-10-69)

SECTION 405.440: AREA REGULATIONS—MINIMUM LOT AREA

Where connection is made to a sanitary sewer with connection to an approved sewage treatment plant, the following shall apply:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand five hundred (7,500) square feet.
2. A lot on which there is created a two-family dwelling shall contain an area of not less than four thousand (4,000) square feet per family.

3. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than three thousand (3,000) square feet per family; provided, that the minimum square feet area for

a multiple-dwelling shall be not less than twelve thousand (12,000) square feet; provided, further, that single level or ranchette type construction shall provide a minimum area of not less than three thousand five hundred (3,500) square feet per family.

4. Whenever a lot has less than herein required and was of record on February 10, 1969, that lot may be used only for single-family dwelling purposes or for any of the non-dwelling uses permitted in this Article, subject to the general provisions of Article XII of this Chapter.
(CC 1975 §31-49; Ord. No. 346 Art. 7, §5, 2-10-69)

ARTICLE VII. "E" NEIGHBORHOOD SHOPPING DISTRICT

SECTION 405.450: REGULATIONS GENERALLY

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the District Regulations in the "E" Neighborhood Shopping District.
(CC 1975 §31-50; Ord. No. 346 Art. 8, §1, 2-10-69)

SECTION 405.460: USE REGULATIONS

A. A building or premises shall be used only for the following purposes:

1. Bakery, retail, employing not more than five (5) persons on the premises.
2. Battery service station.
3. Beauty parlor and barbershop.
4. Business or commercial schools and dancing or music schools.
5. Catering establishment.
6. Dressmaking establishment.
7. Dyeing and cleaning establishment employing less than ten (10) persons on the premises.
8. Electric and shoe repair shops.
9. Coin-operated laundromats.
10. Locksmith and gunsmith.
11. Lodge halls.
12. Messenger or telegraph service stations.
13. Millinery shop.
14. Office.

15. Photographic gallery.
 16. Plumbing shop.
 17. Recreational building or structure.
 18. Retail and service establishments similar to others listed in this Section.
 19. Sales and show rooms.
 20. Tailor shops.
 21. Theatre, indoor.
 22. Tinsmithing shop.
 23. Accessory buildings and uses customarily incident to the above uses, including a sign or a bulletin board relating only to services, articles and products offered within the building to which the sign is attached, and which sign does not exceed twenty-five (25) square feet in area; provided, that any advertising sign shall be attached to the building and shall not project beyond the building for a distance of more than eighteen (18) inches. A store located on a corner lot may have such a sign on each street side of the structure.
- B. Any building used primarily for any of the above enumerated purposes may not have more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided, that not more than five (5) employees shall be engaged at any time on the premises in any such incidental use. (CC 1975 §31-51; Ord. No. 346 Art. 8, §2, 2-10-69; Ord. No. 317 §2, 2-12-91)

SECTION 405.470: PARKING REGULATIONS

All commercial buildings shall provide space upon the lot in the ratio of not less than one (1) parking space for each three hundred (300) square feet of floor space in the building which is used for commercial purposes, except:

1. *Restaurants.* Eating establishments shall provide parking space at the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space.
2. *Theatres and other amusement places.* Such establishments, when authorized by special permit or otherwise, shall provide parking space within three hundred (300) feet of the establishment, adequate to accommodate one (1) automobile for every four (4) seats in the theatre, or one (1) automobile for every four (4) persons that may be accommodated as a maximum at any time in other amusement places.
3. *Commercial, etc., buildings.* All commercial and light industrial buildings shall provide off-street parking for all employees. (CC 1975 §31-52; Ord. No. 346 Art. 8, §3, 2-10-69)

SECTION 405.480: HEIGHT REGULATIONS

No building shall exceed three (3) stories or forty-five (45) feet in height, except as provided in Article XII of this Chapter. (CC 1975 §31-53; Ord. No. 346 Art. 8, §4, 2-10-69)

SECTION 405.490: AREA REGULATIONS—FRONT YARD

The front yard regulations are the same as those in the "B" Single-Family Dwelling District (Article IV of this Chapter). (CC 1975 §31-54; Ord. No. 346 Art. 8, §5, 2-10-69)

SECTION 405.500 AREA REGULATIONS—SIDE YARD

Except as provided in Article XII of this Chapter, there shall be a side yard on each side of the building, having a width of not less than six (6) feet.
(CC 1975 §31-55; Ord. No. 346 Art. 8, §5, 2-10-69)

SECTION 405.510: AREA REGULATIONS—REAR YARD

There shall be a rear yard having a depth of not less than twenty-five (25) feet; except, that in the case of a lot of one hundred twenty-five (125) feet in depth, which was of record on February 10, 1969, the rear yard need not exceed twenty percent (20%) of the depth of the lot.
(CC 1975 §31-56; Ord. No. 346 Art. 8, §5, 2-10-69)

ARTICLE VIII. "F" COMMERCIAL DISTRICT**SECTION 405.520: REGULATIONS GENERALLY**

The regulations set forth in this Article or set forth elsewhere in this Chapter, when referred to in this Article, are the District Regulations in the "F" Commercial District.
(CC 1975 §31-57; Ord. No. 346 Art. 9, §1, 2-10-69)

SECTION 405.530: USE REGULATIONS

A building or premises may be used for any purpose except the following:

1. Any use regulated by the terms of Section 405.790 of the Zoning Code, other than in compliance with the requirements of that Section.
2. Bakeries, other than those whose products are sold at retail only on the premises.
3. Blacksmith or horse shoeing shop.
4. Bottling works.
5. Building material storage yard.

6. Carting, express, hauling or storage yard.
7. Contractor's plant or storage yard.
8. Coal, coke or wood yard.
9. Cooperage works.
10. Dyeing and cleaning works employing more than five (5) persons on the premises.
11. Livery stable or riding academy.
12. Lumber yard.
13. Machine shop.
14. Milk distributing station, other than a retail business conducted on the premises.
15. Stone monumental works employing more than five (5) persons.
16. Motor courts, trailer and tourist camps, except as authorized by public hearing in accordance with Section 405.790.
17. Storage warehouse.
18. Storage or sale of used cars, except in conformity with the provisions of Section 405.790.
19. Any kind of manufacture or treatment, other than manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises, such incidental use to occupy not more than forty percent (40%) of the floor area with not more than five (5) employees engaged at any time on the premises in the incidental use.
20. In general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.
21. Single- or multiple-family dwelling units.
22. Service station, except by special permit.
23. Facilities at which massages are available, facilities for spiritualism, palm reading, psychic reading and/or communication and similar activities, and pawnshops, unless permitted by special use permit. A "*pawnshop*" is defined for the purpose of this Section as the business of lending money on the security of pledged goods or the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
24. Restaurants, unless permitted by Special Use Permit issued in accordance with Section 405.790 herein. (CC 1975 §31-58; Ord. No. 346 Art. 9, §2, 2-10-69; Ord. No. 445 §1; Ord. No. 40 §1, 5-9-78; Ord. No. 317 §3, 2-12-91; Ord. No. 367 §1, 11-9-93)

SECTION 405.540: PARKING REGULATIONS

The parking regulations shall be the same as those in the "E" Neighborhood Shopping District. (CC 1975 §31-59; Ord. No. 346 Art. 9, §3, 2-10-69)

SECTION 405.550: HEIGHT REGULATIONS

No building shall exceed three (3) stories or forty-five (45) feet in height, except as otherwise provided in Article XII of this Chapter. (CC 1975 §31-60; Ord. No. 346 Art. 9, §4, 2-10-69)

SECTION 405.560: AREA REGULATIONS—FRONT YARD

The front yard regulations are the same as those in the "E" Neighborhood Shopping District. (CC 1975 §31-61; Ord. No. 346 Art. 9, §5, 2-10-69)

SECTION 405.570: AREA REGULATIONS—SIDE YARD

A side yard is required, having a width of not less than six (6) feet. (CC 1975 §31-62; Ord. No. 346 Art. 9, §5, 2-10-69)

SECTION 405.580: AREA REGULATIONS—REAR YARD

A rear yard is required where a lot abuts a dwelling District, in which case there shall be a rear yard of not less than twenty-five (25) feet. In all other cases, it shall be not less than ten (10) feet. (CC 1975 §31-63; Ord. No. 346 Art. 9, §5, 2-10-69)

ARTICLE IX. "G" LIGHT INDUSTRIAL DISTRICT**SECTION 405.590: REGULATIONS GENERALLY**

The regulations contained in this Article are the District Regulations in the "G" Light Industrial District. These regulations are supplemented and qualified by additional general regulations contained elsewhere in the Chapter, and made a part of this Article by reference. (CC 1975 §31-64; Ord. No. 346 Art. 10, §1, 2-10-69)

SECTION 405.600: USE REGULATIONS

- A. No building, structure or land shall be used and no building or structure shall be erected, structurally altered, enlarged or maintained, after February 10, 1969, except for uses permitted in the "F" Commercial District or any of the following uses: provided, that such uses are controlled so that they are not obnoxious or offensive because of odor, dust, gas, smoke or noise.
- B. Uses to be conducted wholly within a completely enclosed building, except for the on-site parking of delivery vehicles which are incidental thereto:

1. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs and pharmaceuticals, excluding acid manufacture, perfumes, perfumed toilet soap, toiletries and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
 2. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, excluding planing mills, yarns and paint not employing a boiling process.
 3. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
 4. The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
 5. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.
 6. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like, not including automobile wrecking or junk yards.
 7. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines.
 8. Foundry casting lightweight non-ferrous metal, not causing noxious fumes or odors.
 9. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
 10. Distribution plants, parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishments.
 11. Wholesale business, storage buildings and warehouses.
 12. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
 13. *Laboratories.* Experimental, photo or motion picture, film or testing.
 14. Veterinary or dog or cat hospitals and kennels.
 15. Poultry or rabbit killing incidental to a retail business on the same premises.
- C. Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or compact evergreen hedge, not less than six (6) feet in height:
1. Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing.

2. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 3. Retail lumber yard, including only incidental mill work.
 4. Feed and fuel yard.
 5. Draying, freighting or trucking yard or terminal.
 6. Public utility service yard or electrical receiving or transforming station.
 7. Small boat building.
- D. Uses customarily incident to any of the above uses and accessory buildings, when located on the same lot; provided, that such uses shall not include those uses which would be obnoxious or offensive because of odor, dust, gas, smoke or noise.
- E. Automobile parking space required for dwellings and for buildings other than dwellings, as provided in Section 405.610. (CC 1975 §31-65; Ord. No. 346 Art. 10, §2, 2-10-69)

SECTION 405.610: PARKING REGULATIONS

- A. The parking regulations for commercial buildings are the same as those in the "F" Commercial District.
- B. In connection with every parcel of land in an industrial District, on which a permitted manufacturing or storage use is conducted, there shall be provided space for all the vehicles used directly in the conducting of such use, and there shall be provided space of not less than two hundred (200) square feet for the parking of not less than one (1) vehicle for each two (2) persons employed on such parcel of land, together with ingress and egress thereto. If such vehicle standing space is not provided on the same parcel of land on which such use is conducted, it shall be provided within a distance of not to exceed four hundred (400) feet from the main entrance to such use, and such vehicle standing space shall be deemed to be required open space on the parcel of land on which the same is located and shall not thereafter be reduced or encroached upon in any manner, except upon approval by the Board of Adjustment. (CC 1975 §31-66; Ord. No. 346 Art. 10, §3, 2-10-69)

SECTION 405.620: HEIGHT REGULATIONS

No building shall exceed eight (8) stories or one hundred (100) feet in height, except as otherwise provided in Article XII of this Chapter, and where a building is located on a lot abutting or adjoining a dwelling District, or a publicly owned area, other than an alley or street, it shall not exceed three (3) stories or forty-five (45) feet in height, unless it is set back one (1) foot from all required yard lines for each two (2) feet of additional height above forty-five (45) feet; provided, that no building shall be erected with a height that would conflict with any existing or hereafter adopted ordinance of the City or other governmental regulations regarding the height of buildings surrounding airport, landing fields or landing strips. (CC 1975 §31-67; Ord. No. 346 Art. 10, §4, 2-10-69)

SECTION 405.630: AREA REGULATIONS—FRONT YARD

- A. Where all the frontage of a lot or tract is on one (1) side of a minor street not affected by setback lines along major highways as provided in Article XI of this Chapter and such frontage is between two (2) intersecting streets, a minimum of thirty (30) feet front yard shall be required. Where the frontage on such minor street between two (2) intersecting streets is located partly in the "G" Light Industrial District and a dwelling or business District, the front yard requirements of the dwelling or business District shall apply to the "G" Light Industrial District.
- B. Where a lot is located at the intersection of two (2) or more streets, the front yard requirements of Subsection (A) of this Section shall apply to each street side of the corner lot; except, that the buildable width of such lot shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street.
(CC 1975 §31-68; Ord. No. 346 Art. 10, §5, 2-10-69)

SECTION 405.640: AREA REGULATIONS—SIDE YARD

There shall be a side yard of not less than six (6) feet.
(CC 1975 §31-69; Ord. No. 346 Art. 10, §5, 2-10-69)

SECTION 405.645: AREA REGULATIONS—REAR YARD

A rear yard of ten (10) feet is required. (CC 1975 §31-70; Ord. No. 346 Art. 10, §5, 2-10-69)

ARTICLE X. COMMUNITY UNIT PLAN**SECTION 405.650: PROCEDURE FOR ESTABLISHMENT—CONDITIONS TO BE MET**

The owner of any tract of land comprising an area of not less than five (5) acres may submit to the City Council a plan for the use and development of all of the tract of land for residential purposes. The development plan shall be referred to the Zoning and Planning Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts shown that the proposed community unit plan meets the following conditions:

1. Property adjacent to the area included in the plan will not be adversely affected.
2. The plan is consistent with the intent and purpose of this Chapter to promote public health, safety, morals and general welfare.
3. The buildings and land shall be used only for single-family dwellings, two-family dwellings or multiple-dwellings, and the usual accessory uses such as garages, storage space and community activities, including churches; provided, that commercial areas may be provided only as authorized by Section 410.120.

4. The average lot per family contained in the site, exclusive of the area occupied by streets, will be not less than the lot area per family required in the District in which the development is located. (CC 1975 §31-71; Ord. No. 346 Art. 12, §1, 2-10-69)

SECTION 405.655: PLANNED UNIT DEVELOPMENTS (PUDS)

This Section sets out the required review and approval procedures for Planned Unit Developments.

1. *Overview of process.* The PUD review process involves at least two steps: PUD Concept Plan review and PUD Final Plan review. In many cases, land will need to be subdivided in order to carry out a PUD plan. The subdivision process is, however, a separate process, although it can run concurrently with (or following the conclusion of) the PUD review process of this Section.
 - a. *PUD concept plan review.* During PUD Concept Plan review, the PUD Concept Plan application is reviewed with respect to such issues as density, including the number, type, and location of dwelling units and other uses; impacts on surrounding areas; and the adequacy of facilities and services. The result of this review is the establishment of the basic parameters for development of the PUD project. PUD Concept Plan approval establishes the maximum development “envelope,” for the project, with regard to density, lot sizes, overall scale, open space, environmental protection, and other land development and service provision issues.
 - b. *PUD final plan review.* The PUD Final Plan review stage is the point at which developers bring forward detailed plans for carrying out the type of project approved conceptually during PUD Concept Plan review. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable standards, requirements, and conditions have been met. Approval will only be granted if the PUD Final Plan is in substantial conformance with the approved PUD Concept Plan.
2. *PUD Concept Plan.*
 - a. *Preapplication conference.* Before submitting a PUD Concept Plan, the applicant shall confer with the Director of Community Development and other City Officials designated by the Director of Community Development. The purpose of this preapplication conference is to discuss the proposal and the applicable development review and approval procedures.
 - b. *Purpose of PUD concept plan.* A PUD Concept Plan is a generalized land use plan for the entire area proposed to be included within a PUD. The purpose of a PUD Concept Plan is to allow very early review of a proposed PUD before substantial technical planning work has been undertaken.
 - c. *Application.* A complete application for PUD Concept Plan approval shall be submitted to the Director of Community Development in a form established by the City (See *Procedures Manual*, "Appendix A" of this Development Code), along with a non-refundable fee that has been established by the City to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

- d. *Review and report—Director of Community Development.* The Director of Community Development shall prepare a staff report that reviews the PUD Concept Plan application

in light of the PUD zoning standards and all other applicable development standards and planning policies. The Director of Community Development shall provide a copy of the report to the Planning Commission and the applicant.

- e. *Review and action—Planning Commission.* The Planning Commission shall hold a public hearing on the PUD Concept Plan application within sixty (60) days of the date that a complete application is filed, provided that required notice can be given within that time. At the close of the public hearing, the Planning Commission shall recommend approval, modified approval, or denial of the PUD Concept Plan application and transmit a written summary of its action and proceedings to the City Council.
- f. *Review and action—City Council.* Within the thirty (30) days of the close of the Planning Commission public hearing, the City Council shall hold a public hearing on the PUD Concept Plan application. The City Council shall act to approve, approve with modifications, or deny the proposed amendment within sixty (60) days of the date of the close of the City Council public hearing on the amendment. If the City Council acts to approve the PUD Concept Plan, it shall establish a required time-frame for development of the entire PUD.
- g. *Notice of public hearings.*
 - (1) *Newspaper notice.* At least fifteen (15) days' notice of the time and place of scheduled public hearings before the Planning Commission and City Council shall be published in a newspaper of general circulation within the City. Separate notices of each public hearing may be provided or notice of the time and place of both public hearings may be provided in one (1) consolidated notice.
 - (2) *Written notice.* The City will attempt to notify, by mail, all property owners whose property limits are within one hundred eighty-five (185) feet of the boundaries of the proposed PUD.
 - (3) *Posted notice.* The City will attempt to post notice on property that is the subject of the PUD application at least fifteen (15) days before the scheduled public hearing. Failure by the City to post such notice shall not invalidate any action taken.
- h. *PUD concept plan review criteria.* Applications for PUD Concept Plan approval shall be approved if the following criteria are met:
 - (1) The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Development Code;
 - (2) The PUD Concept Plan is in conformance with the PUD standards and any standards required as a result of an overlay district;
 - (3) The existing or proposed utility services are adequate for the proposed development;
 - (4) The development is consistent with and implements the planning goals and objectives of the City, as contained in the Comprehensive Plan and other adopted policy resolutions; and

- (5) The PUD Concept Plan is consistent with good general planning practice and the development will promote the general welfare of the City.
 - i. *Effect of PUD concept plan approval.* Approval of a PUD Concept Plan shall constitute acceptance of the overall general planning concepts for the proposed PUD development and is a prerequisite for the filing of a PUD Final Plan.
 - j. *Lapse of PUD concept plan approval.* An approved PUD Concept Plan shall lapse and be of no further force and effect if a PUD Final Plan for the PUD (or a phase of the PUD) has not been approved within two (2) years of the date of approval of the PUD Concept Plan.
3. *PUD Final Plan.*
- a. *Application.* A complete application for PUD Final Plan approval shall be submitted to the Director of Community Development in a form established by the City (See *Procedures Manual*, "Appendix A" of this Development Code), along with a non-refundable fee that has been established by the City to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. A PUD Final Plan application may include the entire area covered in the PUD Concept Plan or it may include one (1) or more phases of the approved PUD Concept Plan.
 - b. *Review and report—Director of Community Development.* The Director of Community Development shall prepare a staff report that reviews the PUD Final Plan application in light of the approved PUD Concept Plan and all other applicable development standards and planning policies. The Director of Community Development shall provide a copy of the report to the Planning Commission and the applicant.
 - c. *Review and action—Planning Commission.* The Planning Commission shall consider the PUD Final Plan application, and within thirty (30) days of its consideration, the Planning Commission shall act to approve, approve with modifications, or deny the PUD Final Plan application.
 - d. *PUD final plan review criteria.* A PUD Final Plan shall be approved by the Planning Commission if it is determined by the Planning Commission to be in substantial compliance with the approved PUD Concept Plan. The PUD Final Plan shall be deemed to be in substantial compliance with the PUD Concept Plan so long as, when compared with the PUD Concept Plan, it does not result in:
 - (1) An increase in project density or intensity, including the number of housing units per acre or the amount of non-residential floor area per acre;
 - (2) A change in the mix of housing types or the amount of land area devoted to non-residential uses;
 - (3) A reduction in the amount of open space;
 - (4) Any change to the vehicular system which result in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
 - (5) Any change within fifty (50) feet of a TF or less intensive zoning district;

- (6) Any change determined by the Planning Commission to represent an increase in development intensity;
 - (7) A change in use categories; or
 - (8) A substantial change in the layout of buildings.
- e. *Effect of approval—lapse of approval.* Approval of a PUD Final Plan shall confer upon the applicant the right to develop the subject property in accordance with the approved PUD Final Plan. The right to develop in accordance with an approved PUD Final Plan shall lapse and be of no further effect if all development shown on the PUD Final Plan is not complete within the time-frame established by the City Council pursuant to Subsection (2)(f) of this Section. Once approval lapses, the regulations of the base zoning district shall control.
- f. *Designation on Official Zoning Map.* Sites governed by an approved PUD Final Plan shall be designated on the Official Zoning Map with the letters “PUD,, and a case file locator number for the approved PUD Final Plan.

SECTION 405.660: EFFECT OF PLAN APPROVED BY CITY COUNCIL

If the City Council approves the plan, building permits and certificates of occupancy may be issued, even though the use of the land, the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the District regulations of the District in which it is located. (CC 1975 §31-72; Ord. No. 346 Art. 12, §2, 2-10-69)

ARTICLE XI. BUILDING SETBACK LINES ALONG HIGHWAYS

SECTION 405.665: CONTINUATION OF EXISTING SETBACK LINES

In order to not only provide for and protect safe and clear rights-of-way, and to provide adequate light, air and open space in conformity with buildings in existence on February 10, 1969, which were erected in conformity with established setback lines, all such setback lines in effect as of such date within the limits of property now included in the City, shall all be hereinafter observed as herein set forth. (CC 1975 §31-73; Ord. No. 346 Art. 14, §1, 2-10-69)

SECTION 405.670: LOCATION OF SETBACK LINES ALONG CERTAIN HIGHWAYS

The following shows the location of the setback lines for structures along highways provided for in this Article:

- 4. U.S. Highway I-70, from the east limits of the City to the west limits of the City; the setback line is sixty (60) feet from the right-of-way line.
- 5. Missouri State Highway #115 (Natural Bridge Road), from the east limits of the City to the west limits of the City; the setback line is thirty (30) feet from the right-of-way line.

6. Missouri State Highway Route "N" (Florissant Road), from the north limits of the City to Natural Bridge Road; the setback line is thirty (30) feet from the right-of-way line.
7. Missouri State Highway Route "U" (Lucas Hunt Road), from its intersection with Pasadena Boulevard to the south limits of the City; the setback line is thirty (30) feet from the right-of-way line.
8. Bermuda Road, from the north limits of the City to Florissant Road; the setback line is thirty (30) feet from the right-of-way line. (CC 1975 §31-74; Ord. No. 346 Art. 14, §2, 2-10-69)

SECTION 405.675: OBSERVANCE OF SETBACK LINES REQUIRED

Except as herein provided, no building or structure shall be erected, reconstructed or structurally altered in such a manner that any portion of the building shall project into the area between the centerline of the highway and the setback lines established by this Chapter.
(CC 1975 §31-75; Ord. No. 346 Art. 14, §3, 2-10-69)

SECTION 405.680: NON-CONFORMING USE OF BUILDINGS

The lawful use of any building existing on February 10, 1969, except advertising signs and billboards, all or part of which may be in violation of this Chapter, may be continued; provided, that no structural alterations shall hereafter be made on that portion of the non-conforming building between the setback lines and the centerline of the highway. New buildings to replace destroyed or removed non-conforming buildings shall conform to the provisions of this Article.
(CC 1975 §31-76; Ord. No. 346 Art. 14, §4, 2-10-69)

SECTION 405.685: NON-CONFORMING ADVERTISING SIGNS, BILLBOARDS AND STORED MATERIALS

Any advertising sign, billboard or stored material within the prohibited area shall be removed within two (2) years from February 10, 1969, unless attached to non-conforming commercial buildings, which latter signs may be continued during the life of the building.
(CC 1975 §31-77; Ord. No. 346 Art. 14, §5, 2-10-69)

SECTION 405.690: EXCEPTIONS

The foregoing regulations shall be subject to the following exceptions:

1. The ordinary projection of sills, cornices, eaves and ornamental features of a building into the area between the boundary of the highway and the building line may be permitted for a distance not to exceed five (5) feet.
2. Open, unenclosed porches, awnings and canopies containing no signs or advertising, and paved terraces may project beyond the building lines established by this Chapter for a distance not to exceed ten (10) feet.

3. Poles, wires, pipes, water hydrants and other similar utilities and necessary appurtenances may be erected, repaired and maintained within the area between the building and setback lines and the centerline of the highway.
4. When three hundred (300) or more lineal feet of continuous frontage along a highway, to which this Chapter applies, is developed, and not less than fifty percent (50%) of this frontage contains commercial structures on February 10, 1969, the distance of the setback lines herein provided for shall be reduced to meet the general average of the existing buildings within the three hundred (300) feet of frontage chosen for measurement.
5. When vacant ground lies between existing buildings not conforming to this Chapter, and not more than three hundred (300) feet apart, a building may be erected on such vacant ground on a line drawn between the closet front corners of the existing buildings; provided, that the building shall not be erected on land which is within the proposed future right-of-way designated by this Article for a major highway.
6. Pumps and other necessary mechanical devices, but not advertising signs, connected with any lawful structures may, by special permit from the City Council, be authorized.
7. Roadside stands and other legal, authorized temporary structures may be erected, by special permit from the City Council, to be removed within a period of one (1) year or such other time as the permit may stipulate.
8. Trailers, buses and other vehicles may be located within the setback lines by permission of the City Council, to be moved on thirty (30) days' notice in the event of widening of the highway.
9. Where the owner of the premises and holder of encumbrances thereon agree in writing, properly acknowledged for recording, that they will waive all damages that may result from the taking, destruction or removal of the building for street purposes, the City Council may, to avoid hardship or to closer conform to existing buildings nearby and for other special reasons, permit some encroachment within the setback lines by special permit, if the location of the building will not interfere with proper and adequate light, air and visibility of nearby buildings and streets. (CC 1975 §31-78; Ord. No. 346 Art. 14, §6, 2-10-69)

ARTICLE XII. ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS

SECTION 405.695: ARTICLE QUALIFIES AND SUPPLEMENTS OTHER DISTRICT REGULATIONS OF CHAPTER

The District regulations set forth in this Article qualify or supplement, as the case may be, the District regulations appearing elsewhere in this Chapter.
(CC 1975 §31-79; Ord. No. 346 Art. 15, §1, 2-10-69)

SECTION 405.700: CONDITIONAL USE PERMITS

- A. *Conditional Use Permits—Commercial Uses Limited To Specified Hours Without Permit.* Any business operating in any Zoning District within the City may operate and be open for business only

between the hours of 6:00 A.M. and 1:30 A.M., unless a conditional use permit in accord with this Article has been granted as hereinafter set forth.

- B. *Conditional Use Permits For Extended Hours Of Operation Available In Certain Districts.* Any person or business desiring to operate or conduct a business or commercial enterprise between the hours of 1:31 A.M. and 5:59 A.M. may apply for and be granted a conditional use permit on the terms and conditions hereinafter set forth only if the business or commercial enterprise is located in an "E" (Neighborhood Shopping), "F" (Commercial) or "G" (Light Industrial) District.
- C. *Application.* Any person or business seeking a conditional use permit as allowed by this Article shall file an application with the Building Department in such form and with such information and plans as may be required. At a minimum, in addition to any other required information, the application shall provide detailed plans and information relating to:
1. The nature of the business involved;
 2. The proposed hours of operation;
 3. Any plan for area or facility illumination;
 4. How many personnel will be employed at the facility during extended hours of operation;
 5. Anticipated customer traffic; and
 6. Any systems or facilities the applicant proposes to utilize to minimize any impact on adjoining properties.

An application fee in the amount of one hundred fifty dollars (\$150.00) shall be paid at the time the application is filed. No application shall be considered filed until all required information and materials, as well as application fee, have been received.

- D. *Notice To Nearby Property Owners.* Upon receipt of the completed application and filing fee, the City Clerk shall notify in writing by First Class U.S. mail, postage prepaid, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property for which an application has been filed and two hundred (200) feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed permit, the name of the applicant or applicants and the date the application was filed.
- E. *Planning And Zoning Commission.* The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood, with special emphasis on the general welfare and character of the neighborhood and the community and the standards hereinafter set forth. The Planning and Zoning Commission shall make a report to the Council within ninety (90) days of the date of the filing of the completed application with the Building Department. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application, upon the expiration of the ninety (90) day period.
- F. *City Council—Public Hearing.* Upon receipt of the report of the Planning and Zoning Commission or upon the expiration of the ninety (90) day period, the Council shall call a public hearing and give reasonable notice of the time and place thereof at least once in a newspaper of general circulation in the City. The first (1st) publication shall be at least fifteen (15) days before the date of the hearing.

- G. *City Council—Standards For Consideration.* After the hearing the Council, in acting upon the application, shall state findings and conclusions on the following matters for the public record:
1. Whether issuance of the permit would be incompatible with surrounding uses and with the surrounding neighborhood;
 2. Whether the frequency and/or duration of various indoor and outdoor activities and any special events associated with the proposed permit will have a deleterious impact on the surrounding area;
 3. Whether noise levels generated by activities associated with the proposed permit will adversely impact the ambient night noise level of the surrounding area and neighborhood;
 4. Whether the proposed permit will significantly increase demands on public services in excess of current service levels and whether the proposed permit will present any real or potential public safety hazard;
 5. Whether the proposed permit will adversely impact the general appearance of the neighborhood due to extended commercial operations in close proximity to non-commercial uses or the location of the proposed extended use on the property for which the permit is sought;
 6. Whether the intensity, duration or frequency of lighting associated with the proposed permit will adversely impact adjacent properties or significantly increase the ambient level of night light in the neighborhood;
 7. Whether a landscape plan or other reasonable provision for protection of neighboring premises from any adverse impact which might reasonably be anticipated from extended operation of the business is required.
- H. *Approval—Conditions.* After review of the application, the Council may approve the application or may approve the application conditionally upon compliance by the applicant with such terms or conditions as the Council may deem necessary to reasonably assure satisfaction of the standards set forth above. In the event that the Council grants conditional approval, the permit shall not be issued until the applicant has established to the satisfaction of the Building Department that the stated conditions have been fulfilled.
- I. *Revocation.* A conditional use permit in accord with these provisions may be revoked by the Council if the Council determines that:
1. Any conditions associated with such permit have not been satisfied; or
 2. The business for which the permit was issued has altered its facilities, premises, or business operations in such a fashion as to no longer satisfy the standards set forth above or to no longer comply with any of the conditions required at the time of issuance; or
 3. The applicant misstated or misrepresented any information presented in support of the application.

The person or business to which a conditional use permit has been issued shall be given reasonable notice by First Class U.S. mail, postage prepaid, of the time and place when the Council shall

consider revocation of such a permit and shall be given an opportunity to be heard and present evidence relating thereto. Any notice required to be given under this Section shall be addressed to

the applicant at the address listed in the application or addressed to "owner/manager" at the address of the premises for which the permit was issued. (Ord. No. 279 §2(31-79.1–31-79.9), 4-12-88)

SECTION 405.702: HEIGHT EXCEPTIONS

- A. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built; provided, that such exceptions shall not be permitted where they would conflict with any existing or hereafter adopted law or ordinance of the City or other governmental regulations regarding the height of buildings surrounding airports, landing fields or landing strips.
- B. Chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, silos, farm buildings or necessary mechanical appurtenances may be erected to any lawful and safe height, but such structures shall not be permitted within one (1) mile of an airport, landing field or landing strip, unless their location is approved by the City Council.
- C. Single-family dwellings and two-family dwellings in the dwelling Districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height; provided, that such additional heights shall not be permitted where they would conflict with any existing or hereafter adopted law or ordinance of the City or other governmental regulations regarding the height of buildings surrounding airports, landing fields or landing strips. (CC 1975 §31-80; Ord. No. 346 Art. 15, §1, 2-10-69; Ord. No. 458 §2, 5-2-00)

SECTION 405.705: ACCESSORY BUILDINGS

- A. Accessory buildings which are not a part of the main building may be built in a rear yard within six (6) feet of the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the required rear yard.
- B. Accessory buildings which are to be used for storage purposes only may be erected upon a lot prior to the construction of the main building, but no accessory building shall be used for dwelling purposes, except by domestic servants employed entirely on the premises.
(CC 1975 §31-81; Ord. No. 346 Art. 15, §§2,3, 2-10-69)

SECTION 405.710: EXTERIOR AREAS—GENERALLY

- A. *Yards—Generally.* Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features, not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height, except on that portion of lots within thirty (30) feet of the intersection of two (2) or more streets.

- B. *Sale, Display And/or Storage Of Items In/On Exterior Commercial Areas.* The sale, display or storage of goods, merchandise and personal property in other than a completely enclosed building

shall not be permitted in the "E", "F" or "G" Commercial Districts, other than in compliance with the terms and conditions provided in this Section, unless such sale, display or storage is otherwise specifically authorized in this Chapter.

- C. *Seasonal And Special Event Permit.* Subject to the issuance of a permit as hereinafter provided, goods, merchandise and personal property may be sold, stored and displayed other than in a completely enclosed building, and special signs may be erected, in association with special events of a temporary, seasonal, and infrequent nature, including, by way of example but not limitation, opening celebrations, sale of seasonal merchandise, holidays, and similar activities, only in compliance with the following conditions:
1. An application for a seasonal/special event permit shall be filed by the person in charge of the premises. If the property is owned by or leased to any party other than the applicant, the owner or lessee of the property shall co-sign the application or otherwise authorize the application in writing.
 2. The application shall state the reason why the applicant requests the permit and describe in detail the nature and duration of the event for which it is sought. The application shall be accompanied by a site plan and description of the proposed event showing:
 - a. The location on the property where any and all aspects of the special event are to take place;
 - b. Where any exterior storage, display or sales are to occur;
 - c. A detailed description of the materials proposed to be stored, displayed or sold;
 - d. How the placement of materials and activities associated with the event will impact vehicular and pedestrian circulation on the property and on adjoining roadways;
 - e. What arrangements are to be made for access to and within the property by emergency equipment during the event;
 - f. Any special lighting or sound devices to be utilized during the event and the anticipated impact of such lights or sound on nearby properties;
 - g. Exemplars showing any special signs, banners, or other public display or devices proposed to be erected in association with the event, together with the plans showing the dimensions and locations thereof;
 - h. Such other information as the Building Commissioner may require in order to assess whether issuance of the requested permit would adversely affect public services or other properties or be inconsistent with the nature of the activities intended to be authorized by this Subsection.
 3. If the Building Commissioner, after consultation with the Chief of Police, finds that the requested permit and conduct of the special event or seasonal activity would not adversely affect the provision of public services, interfere with the peaceful use and enjoyment of nearby properties, create a nuisance, adversely affect vehicular or pedestrian traffic, or be contrary to the public health, welfare or safety, and is consistent with the nature and extent of activities

provided for herein, a permit may be issued. The burden of proof with respect to compliance with all relevant regulations and standards shall be on the applicant. If the application is

denied, the applicant may appeal the Commissioner's decision to the City Council which may review the matter on the basis of the application and related documents and written comments or findings by City Staff.

4. Special events may not exceed three (3) days in duration. Seasonal activities may not exceed five (5) weeks in duration. No more than two (2) special event permits and two (2) seasonal activities permits may be issued for any lot or development within any twelve (12) month period.
- D. *Exterior Display Or Storage Permit.* The owner of the property located in a commercial District may apply for an exterior display or storage permit to allow the storage, display or sale of merchandise or personal property outside or in temporary structures, storage units or other than in a completely enclosed building, subject to the following requirements:
1. Exterior storage areas and the total area of temporary or accessory storage structures shall not be greater than twenty percent (20%) of the area of the main floor of the principal building on the lot.
 2. An application for an exterior storage permit shall be filed by the person in charge of the premises. If the property is owned by or leased to any party other than the applicant, the owner or lessee of the property shall co-sign the application or otherwise authorize the application in writing.
 3. The application shall state the reason why the applicant requests the permit and describe in detail the nature of the materials to be stored or displayed under the terms of the permit. The application shall be accompanied by a site plan and description of the proposed use showing:
 - a. The location on the property for which the permit is requested;
 - b. Where any exterior storage, display or sales are to occur;
 - c. A detailed description of the materials proposed to be stored, displayed or sold;
 - d. How the placement of materials and activities associated with the event will impact vehicular and pedestrian traffic circulation on the property and on adjoining roadways;
 - e. What arrangements are to be made for access to and within the property by emergency equipment;
 - f. Any special lighting or sound devices to be installed and the anticipated impact of such lights or sound on nearby properties;
 - g. Such other information as may be required in order to assess whether issuance of the requested permit would adversely affect public services or other properties or be inconsistent with the nature of the activities intended to be authorized by this Subsection.
 4. The application shall be accompanied by an application, review and processing fee of fifty dollars (\$50.00) and shall be filed with the Building Commissioner and a copy of the application provided to the Chief of Police. The application shall be forwarded to the City Council for consideration. The City Council may refer the matter to the Planning and Zoning Commission for review and recommendation, which review shall be completed within one

hundred (100) days of the first (1st) meeting of the Commission after referral by the City Council. If the

matter is referred to the Planning and Zoning Commission, upon receipt of the Commission's report or upon expiration of the time limit specified above, the City Council shall hold a public hearing on the question of issuance of the permit after having first given fifteen (15) days published notice in a newspaper of general circulation in the City. The hearing shall be held within sixty (60) days of the first (1st) regular meeting of the City Council after filing of the application or after receipt of the report of the Planning and Zoning Commission or expiration of the time for Commission review, whichever is later.

5. If the City Council finds that issuance of the requested permit will not adversely affect the character of the area, substantially increase fire or public safety hazards or the provision of public services, create a nuisance or be unsightly, or adversely affect pedestrian or vehicular traffic on the property and adjoining roadways, a permit shall be issued. The City Council may condition the issuance of the permit upon compliance with such reasonable terms and conditions as may be necessary to assure that the permitted activity will not become a nuisance or otherwise conflict with the standards provided herein.
 6. An exterior storage permit shall expire one (1) year after issuance. Permits may be renewed annually by filing a renewal application with the Building Commissioner. If the renewal application proposes no changes to the existing activities or conditions on the subject property, the Building Commissioner, after consultation with the Chief of Police, may renew the permit if he/she determines that the applicant has complied with the terms and conditions of the permit as previously issued. Any new activities or changes to the existing conditions shall require a new application in accord with the procedures provided above.
- E. *Exceptions.* The following goods and property are exempt from the permit requirements of this Subsection and may be stored, displayed or sold other than in a completely enclosed building:
1. Goods stored in rear or side yard areas not adjacent to public rights-of-way which are enclosed by a sight-proof wooden or masonry fence five (5) feet in height which has been lawfully erected. The fence shall be securely and permanently anchored to the ground, maintained in a good state of repair at all times, and equipped with a solid gate which shall be kept closed except during use. Required landscaping and/or buffer areas may not be used for exterior storage.
 2. Ice storage or dispensing containers and soft drink dispensers presently located outside an existing business, provided that they are well maintained and temporary signs are not attached.
 3. Oil containers and windshield wiper blade dispensers displayed by service stations.
(CC 1975 §31-82; Ord. No. 362 §1, 9-15-93)

SECTION 405.715: YARDS—PROJECTING FIRE ESCAPES, STAIRWAYS, BALCONIES, CHIMNEYS AND FLUES

Open or lattice enclosed fire escapes, fire-proof outside stairways and balconies opening upon fire towers projecting into a yard not more than five (5) feet, and the ordinary projections of chimneys and flues, are permitted. (CC 1975 §31-83; Ord. No. 346 Art. 15, §5, 2-10-69)

SECTION 405.720: YARDS—BUILDINGS ON THROUGH LOTS EXTENDING FROM STREET TO STREET

Buildings on through lots and extending through from street to street may waive the requirements for a rear yard by furnishing a front yard upon both streets.
(CC 1975 §31-84; Ord. No. 346 Art. 15, §6, 2-10-69)

SECTION 405.725: YARDS—COMPUTATION OF DEPTH AND WIDTH WHERE REAR OR SIDE YARD OPENS ON ALLEY

In computing the depth of a rear yard or the width of a side yard, where the rear or side yard opens on an alley, one-half ($\frac{1}{2}$) of the alley width may be included as a portion of the rear or side yard, as the case may be. (CC 1975 §31-85; Ord. No. 346 Art. 15, §7, 2-10-69)

SECTION 405.730: YARDS—PORCHES AND PAVED TERRACES

An open, unenclosed or screened porch, or paved terrace, may project into a front yard for a distance not exceeding ten (10) feet. (CC 1975 §31-86; Ord. No. 346 Art. 15, §8, 2-10-69)

SECTION 405.735: YARDS—ENCROACHMENT BY BUILDINGS

More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of the use requirements. (CC 1975 §31-87; Ord. No. 346 Art. 15, §9, 2-10-69)

SECTION 405.740: FENCES—PERMITS

It shall be unlawful to erect any fence in the City of Normandy without first having filed with the Building Commissioner an application for a fence permit, together with a sketch or diagram of the type of fencing, design color and location, and having obtained a permit for its erection. There shall be a fee of ten dollars (\$10.00) for each residential fence, commercial fence, and replacement fence permit. In addition, there will be a ten dollar (\$10.00) fee for each inspection required.
(CC 1975 §31-88; Ord. No. 362 §3, 9-15-93)

SECTION 405.745: FENCES—LOCATION OF

- A. Fences having at least thirty percent (30%) of the surface of the fence as open area for the entire thickness of the fence as viewed on any line perpendicular to the vertical plane of the fence are permitted only in the side and rear yards and areas of lots, except that no fence may be constructed any closer to the front street line than the front of the principle building, exclusive of steps or entrance way.
- B. Fences having less than thirty percent (30%) of the surface of the fence as open area for the entire thickness of the fence as viewed on any line perpendicular to the vertical plane of the fence are permitted only:

1. At or on the rear property line;
 2. At or on the side property lines between the rear property line and that point on the side property line which is perpendicular to the rear of any existing principle structure located on such lot, exclusive of any unenclosed porches, unenclosed balconies, or stairs;
 3. At or along that line which is perpendicular to the side property line and the nearest extension of any building or structure; or
 4. At any point on such property within the perimeter defined by Subsection (B) (1), (2), and (3) of this Section.
- C. Provided however, that as to property which is located at an intersection of two (2) or more streets or is otherwise within the definition of a "*corner lot*" or a "*double frontage lot*" under this Chapter of these Zoning Regulations, no fences of any type shall be constructed so as to project into required side or front yard areas required by the regulations of the zoning District in which the property is located. (CC 1975 §31-89; Ord. No. 379 §1, 10-11-94)

SECTION 405.750: FENCES—HEIGHT—OTHER REGULATIONS

- A. Fences cannot exceed six (6) feet in vertical height from the underlying ground.
- B. For property which is used commercially, fences constructed of solid, opaque materials may be required by the City Council or the Planning and Zoning Commission as a part of plan review or as a condition for issuance of permits.
- C. Fences must be constructed of materials usually and customarily used for residential fencing in the St. Louis area and must be installed and maintained in such a fashion as to be structurally stable and secure. (CC 1975 §31-90; Ord. No. 263 §3, 3-10-87)

SECTION 405.755: FENCES—SWIMMING POOLS

Every person owning land on which there is situated a swimming pool or other body of water which is capable of containing twenty-four (24) inches or more of water in depth at any point, shall erect and maintain on such land an adequate enclosure either surrounding the property and within the area permitted for the construction of the type of fence utilized in accord with Section 405.745, above, or surrounding the pool area and within the area permitted for the construction of the type of fence utilized in accord with Section 405.745, above, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must extend not less than four (4) feet in vertical height from the underlying ground. All gates must be self-latching with latches placed no less than four (4) feet above the underlying ground or otherwise made inaccessible to small children from outside the enclosure. (CC 1975 §31-91; Ord. No. 263 §3, 3-10-87)

ARTICLE XIII. NON-CONFORMING USES**SECTION 405.760: PROHIBITED USE OF OPEN LAND FOR STORAGE PURPOSES AND ADVERTISING SIGNS**

The lawful use of open land for storage purposes and advertising signs and bulletin boards which do not conform to the provisions of this Chapter shall be discontinued within two (2) years from February 10, 1969, and the use of land for storage purposes and by signs and bulletin boards which become non-conforming by reason of a subsequent change in this Chapter shall be discontinued within two (2) years from the date of the change. (CC 1975 §31-92; Ord. No. 346 Art. 18, §1, 2-10-69)

SECTION 405.765: BUILDING USES LAWFUL AS OF FEBRUARY 10, 1969, MAY BE CONTINUED—EFFECT OF CHANGE OF USE OF BUILDING

The lawful use of a building existing on February 10, 1969, may be continued, although such use does not conform to the provisions hereof. A non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. (CC 1975 §31-93; Ord. No. 346 Art. 18, §2, 2-10-69)

SECTION 405.770: BUILDING USE WHICH BECOMES NON-CONFORMING BY REASON OF AMENDMENT OF CHAPTER OR CHANGE IN DISTRICT BOUNDARY

Whenever the use of a building becomes non-conforming through a change in this Chapter or District boundaries, such use may be continued, and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification. (CC 1975 §31-94; Ord. No. 346 Art. 18, §3, 2-10-69)

SECTION 405.775: EFFECT OF TWO YEAR DISCONTINUOUS OF NON-CONFORMING USE OF BUILDING OR PREMISES

In the event that a non-conforming use of any building or premises is discontinued for a period of two (2) years, the use of same shall thereafter conform to the use permitted in the District in which it is located. (CC 1975 §31-95; Ord. No. 346 Art. 18, §4, 2-10-69)

SECTION 405.780: ENLARGEMENT, RECONSTRUCTION, ETC., OF NON-CONFORMING USE OF BUILDING OR PREMISES

No existing building or premises devoted to a use not permitted by this Chapter in the District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the District in which such building or premises is located. (CC 1975 §31-96; Ord. No. 346 Art. 18, §5, 2-10-69)

SECTION 405.785: BUILDINGS DESTROYED OR DAMAGED BY FIRE, EXPLOSION, ETC.

When a building, the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, act of God or the public enemy, to the extent of more than sixty percent (60%) of its reasonable value, it shall not be restored, except in conformity with the District regulations of the District in which the building is situated. When a building, the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, act of God or the public enemy, to the extent of more than sixty percent (60%) of its reasonable value, it may be restored if the Board of Adjustment finds some compelling public necessity requiring the continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly. (CC 1975 §31-97; Ord. No. 346 Art. 18, §6, 2-10-69)

SECTION 405.790: AUTHORITY OF THE CITY COUNCIL TO GRANT SPECIAL PERMITS FOR CERTAIN OTHERWISE PROHIBITED PURPOSES

- A. *Purpose.* Special uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:
1. A tendency to generate excessive traffic,
 2. A potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants;
 3. A detrimental affect upon the value or potential development of other properties in the neighborhood, or
 4. An extraordinary potential for accidents or danger to public health or safety.
- B. *Procedures.* A Special Use Permit application may be initiated by a verified application of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by the Planning and Zoning Commission or by the City Council. Any application submitted by an owner under contract must also evidence that the owner of record has authorized and approved of the proposed application and granting of the permit requested thereby. Procedures for application, review, and approval of a Special Use Permit shall be as follows:
1. *Application.* Application for a Special Use Permit for a specific tract of land shall be addressed to the Planning and Zoning Commission. The application shall be filed on forms prescribed for that purpose and be accompanied by the following information and materials, provided however, that at the request of the applicant, the City Council may waive compliance with such of the following requirements as it may determine to be unnecessary or unduly burdensome in a particular instance:
 - a. Filing fee per requirements of the City.
 - b. Legal description of the property.

- c. An outboundary survey plat, with a land surveyor's seal and statement of verification regarding the source of boundary dimensions, bearings, and source of contour data. The plat shall also identify adjoining properties and the record owners thereof.

d. A site plan containing the following information:

(1) *Site and landscape plan.* One (1) or a series of maps shall be submitted indicating:

- (a) An outboundary survey plat, with a land surveyor's seal and statement of verification regarding the source of boundary dimensions, bearings, and source of contour data, and legal description of the property. The plat shall also identify adjoining properties and the record owners thereof.
- (b) The location, size and height of all existing and proposed structures on the site.
- (c) The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances.
- (d) The location, area and number of proposed parking spaces.
- (e) Existing and proposed grades at an interval of two (2) feet or less, extended beyond the project site to include adjacent properties and structures.
- (f) The location and general type of all existing trees over six (6) inch caliper and, in addition, an indication of those to be retained.
- (g) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.).
- (h) The location and approximate size of all proposed plant material by type, such as hardwood/deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included.
- (i) The location and details (including a description of materials and appearance) of all retaining walls, fences (including privacy fences, etc. and earth berms.
- (j) The description and location of all refuse collection facilities including screening to be provided.
- (k) The provisions for both on- and off-site storm water drainage and detention related to the proposed development.

The scale of the drawing or drawings indicating the above shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than one (1) inch equals fifty (50) feet. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, a scale, a north arrow, and the date drawn.

The applicant may be required to provide, at applicant's expense, additional clarification and/or further detail of the site plan, as deemed necessary by the Planning and Zoning Commission.

- (2) *Site and building sections.* Schematic or illustrative sections shall be drawn to a scale of one (1) inch equals eight (8) feet or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and sight line relations to adjacent structures.
- (3) *Typical elevations.* Typical elevations of proposed buildings shall be provided at a reasonable scale.
- (4) *Project data.*
 - (a) Site area (square feet and acres);
 - (b) Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;
 - (c) Total dwelling units and floor area distributed by general type (one (1) bedroom, two (2) bedroom, etc.); and total floor area ratio and residential density distribution (if applicable);
 - (d) Floor area in non-residential use by category and total floor area ratio (if applicable);
 - (e) Calculations of parking spaces and area in relation to dwelling units and commercial floor area.
- (5) *Project report.* A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the Planning and Zoning Commission and/or City Council, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc., of the proposed development.
- (6) *Phased development.* If the Planned Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 - (a) The approximate date when construction of the project can be expected to begin;
 - (b) The order in which the phases of the project will be built;
 - (c) The minimum area and the approximate location of common open space and public improvements that will be provided at each stage;
 - (d) If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and

that which the applicant proposes to provide in the instant stage or unit is ultimately provided;

- (e) Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.
- 2. *Burden of proof.* In presenting any application for a Special Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the following criteria:
 - a. The proposed special use complies with all applicable provisions of the applicable District regulations.
 - b. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed special use will not have a deleterious impact on the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls, lighting and fences on the site; and
 - (2) The nature and extent of proposed landscaping and screening on the site.
 - e. Off-street parking and loading areas are provided in accordance with the standards set forth in these regulations.
 - f. Adequate utility, drainage, and other such necessary facilities are provided.
 - g. The proposed special use is consistent with good planning practice; can be operated in a manner that is not detrimental to permitted developments and uses in the District; can be developed and operated in a manner that is visually compatible with permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Normandy.
- 3. *Review procedures.*
 - a. Upon receipt of a completed application, the Planning and Zoning Commission shall institute an administrative review of the application and site plan by all affected City Departments and any consultants designated by the City. The results of this review shall be reported to the Planning and Zoning Commission for its consideration. The Commission shall consider an application after all required documents are filed. The Commission shall recommend approval, approval with specified conditions or denial of the application and shall file its report and recommendation with the City Council.

- b. Before acting upon any application for Special Use Permit, the City Council shall hold a hearing thereon, after at least fifteen (15) days public notice of such hearing is published in a newspaper of general circulation within the City and written notice is given to all

property owners within the City limits whose property lies within one hundred eighty-five (185) feet of the property for which a Special Use Permit has been requested. The City Council may refer the application back to the Commission for additional study before making its final decision. No additional public notice is required to be given.

- c. The affirmative vote of a majority of all the members of the City Council shall be required to authorize and approve the issuance of any Special Use Permit contrary to the recommendation of the Planning and Zoning Commission. The affirmative vote of two-thirds ($\frac{2}{3}$) of all the members of the City Council shall be required to authorize and approve the issuance of a special use permit when a protest against the issuance thereof shall be presented in writing to the City Clerk; duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets and alleys) included in the application for such permit or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundary of the property for which the permit has been requested.
4. *Permitted effective—when.* The permit shall become effective upon approval by the City Council. In the event that a Special Use Permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of an ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
5. *Recording.* Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the applicant shall record with the St. Louis County Recorder of Deeds: a copy of the approved Special Use Permit, including all attached conditions, the approved site plan, a legal description of the property, an out-boundary survey and any subsequent amendments.
6. *Failure to commence construction or operation.* Unless otherwise stated in the conditions of a particular Special Use Permit, substantial work, construction, or operation of the special use where construction is not required, shall commence within six (6) months of the effective date of the permit and shall thereafter be pursued with reasonable diligence unless such time period is extended through appeal to and approval by the City Council. If no appeal is made, and no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six (6) month period.
7. *Revocation of special use permit.* Upon finding that an approved Special Use Permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the City Council shall have the authority to revoke the permit after affording the permittee the right to be heard.
8. *Transferability.* All Special Use Permits shall be approved for the originating applicant for a specific location only, and may not be transferred to any other location. The permit may not be transferred to any other person or entity prior to commencement of the use without the consent of the City Council.
9. *Procedure to amend approved special use permit.* In order to amend an existing Special Use Permit, the application procedures, required materials, and approval process shall be the same as for a new permit.

C. *Special Uses.* The City Council of the City of Normandy may, by special use permit, after public hearing, authorize the location of any of the following buildings or uses in the Districts hereinafter designated and from which they are otherwise prohibited by this Chapter; provided however, that appropriate conditions and safeguards shall be imposed to protect the public welfare and to conserve and protect property and property values in the neighborhood.

1. *In any District.*

- a. Any public building or facility erected or used by any department of the City, County, State or Federal Government, not specifically addressed in any other provision of this Zoning Code, other than sewage or sanitation facilities.
- b. Privately operated outdoor recreation fields.
- c. Private recreational activities for temporary or seasonal periods.
- d. Churches and houses of religious worship.
- e. Private or public elementary or secondary schools, including nursery, prekindergarten, kindergarten or special schools operated on the same premises.
- f. Private stables, when located on a lot of three (3) acres or more, provided any such building shall not exceed a capacity of one (1) horse for each acre of lot area and shall not be closer than two hundred (200) feet to any dwelling.
- g. Reserved.
- h. Temporary roadside stands offering for sale products produced on the premises.
- i. Electrical substations.

2. *In the "E", "F" and "G" Districts.*

- a. Greenhouses and nurseries, provided that all structures and storage areas must be located at least one hundred (100) feet from any property located in any "R" District.
- b. Public or private sanitation or sewage collection, detention, treatment or processing facility.
- c. Child care facilities.
- d. Filling stations for automobiles and vehicle service and repair facilities. Provided however, that all storage tanks for volatile substances must be located below ground and at least two hundred (200) feet from any church, school, hospital, playground or similar place of public attendance or assembly, or a children's or retirement or nursing home. The distance shall be the shortest distance from property line to property line.
- e. Taverns and bars.
- f. Mortuary establishments.

- g. Financial institutions not having drive-through facilities.

- h. Restaurants, but no fast food restaurants or restaurants with drive in or drive through facilities.
- i. In the "F" District only, pawnshops, pursuant to and defined in Section 405.530(23) of this Chapter.

3. *In the "F" and "G" Districts.*

- a. Hospitals, clinics, and institutions, including educational, religious and philanthropic institutions when located on a site containing an area of not less than five (5) acres; provided however, that such buildings shall not occupy over forty percent (40%) of the total area of the lot and will not have any serious and depreciating affect upon the value of the surrounding property, and provided further that the buildings shall be set back at least one hundred (100) feet from the front lot line and shall be set back from the otherwise required side and rear yards an additional distance equal to two (2) feet for each foot of building height.
- b. Amusement parks.
- c. Animal hospitals, veterinary clinics and kennels.
- d. Car washes for automobiles. The facility shall not be located closer than one hundred (100) feet to any adjacent building and shall not have any serious depreciating affect upon the value of the surrounding property.
- e. Restaurants, including fast food, drive-in or drive through facilities.
- f. Financial institutions with drive through facilities.
- g. Hotels.
- h. Residential or outpatient facilities for the treatment of alcohol or other drug abuse. Provided however, that no residential facility shall be located within one thousand three hundred (1,300) feet of any other residential facility, and that the building or structure used for any residential facility shall maintain an exterior appearance in reasonable conformance with the general standards of the area.

4. *In the "G" Light Industrial District.*

- a. Airport or heliport, including hangars and normal accessory and service buildings.
- b. Extraction of sand, gravel, or other raw materials.
- c. Any industrial or manufacturing use provided, except in the case of electrical substations, that all operations and processes are carried on in buildings not closer than one hundred (100) feet to any boundary of any residential District, and provided further, that suitable safeguards and conditions are imposed to protect life and limb and adjacent property and prevent objectionable, dangerous and offensive conditions.
- d. Automobile sales facilities and/or showrooms.

- e. Building material sales yard for the sale of rock, sand, gravel, cement, concrete products and the like, with concrete mixing facilities, but with no rock crushing machinery. No portion of the sales yard proper or concrete mixing plant to be closer than two hundred (200) feet from any adjoining residential District, excluding width of roads.
- D. *Severability.* It is hereby declared to be the intention of the City Council that each and every part, Section and Subsection of this Section shall be separate and severable from each and every other part, Section and Subsection hereof and that the City Council intends to adopt each said part, Section and Subsection separately and independently of any other part, Section and Subsection. In the event that any part of this Section shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, Sections and Subsections shall be and remain in full force and effect. (CC 1975 §31-98; Ord. No. 346 Art. 18 §7, 2-10-69; Ord. No. 316 §§1–2, 1-8-91; Ord. No. 367 §2, 11-9-93; Ord. No. 458 §3, 5-2-00)

ARTICLE XIV. ZONING CHANGES AND AMENDMENTS—SPECIAL PERMITS

SECTION 405.795: INITIATION OF CHANGE—REFERENCE TO AND REPORT OF ZONING AND PLANNING COMMISSION—PUBLIC HEARING

The City Council may from time to time, on its own motion or on petition, issue special permits, amend, supplement, change, modify or repeal by ordinance the boundaries of Districts or regulations, or restrictions herein established. Any proposed special permit, amendment, supplement, change, modification or repeal shall first be submitted to the Zoning and Planning Commission for its recommendations and report. If the Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed special permit, amendment, supplement, modification or change. Upon the filing of the recommendations and report by the Zoning and Planning Commission with respect to any proposed special permit, amendment, supplement, change, modification or repeal, the City Council shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days' notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the City. (CC 1975 §31-99; Ord. No. 346 Art. 19, §1, 2-10-69)

SECTION 405.800: SPECIAL PERMITS FOR KENNELS

The City Council may issue special permits for the construction or maintenance of dog kennels within the City, under the same terms and conditions as specified for other special permits. (CC 1975 §31-100; Ord. No. 360 §1)

SECTION 405.805: REQUIRED VOTE OF CITY COUNCIL WHEN PROPOSED CHANGE DISAPPROVED BY COMMISSION OR PROTESTED BY INTERESTED PERSONS

In case of an adverse report by the Zoning and Planning Commission, or if a protest against such proposed amendment, supplement, change, modification, repeal or special permit shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of land, exclusive of streets, places and alleys, included within such proposed

amendment, supplement, change, modification, repeal or special permit, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the

boundaries of the District proposed to be changed or affected by a special permit, such special permit, amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the City Council.

(CC 1975 §31-101; Ord. No. 293 §1, 12-12-88)

SECTION 405.810: DEPOSIT REQUIRED BY PARTIES PROPOSING CHANGE

Before any action shall be taken as provided in this Article, the parties proposing or recommending a change in the District regulations or District boundaries, or a special permit, shall deposit with the City Treasurer the sum of one hundred twenty-five dollars (\$125.00) to cover the approximate cost of the procedure, and under no condition shall such sum or any part thereof be refunded for failure of the change to be adopted by the City Council. (CC 1975 §31-102; Ord. No. 346 Art. 19, §3, 2-10-69)

ARTICLE XV. BOARD OF ADJUSTMENT

Cross Reference—As to zoning and planning commission generally, see ch. 400 of this Code.

SECTION 405.815: ESTABLISHED—COMPOSITION—QUALIFICATIONS, APPOINTMENT, TERM AND REMOVAL OF MEMBERS—FILLING VACANCIES

A Board of Adjustment is hereby established, which shall consist of five (5) members, all of whom shall be residents appointed by the Mayor of the City and approved by the City Council. The term of office of the members of the Board of Adjustment shall be for five (5) years; except that the membership of the first (1st) Board appointed shall serve respectively for terms of one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Thereafter, members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removable for cause by the City Council of the City, upon written charges and after public hearing.

(CC 1975 §31-103; Ord. No. 346 Art. 20, §1(1), 2-10-69).

SECTION 405.820: CHAIRMAN—RULES AND REGULATIONS

The Board of Adjustment shall elect its own Chairman, who shall serve for one (1) year. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter. (CC 1975 §31-104; Ord. No. 346 Art. 20, §1(2), 2-10-69)

SECTION 405.825: MEETINGS, RECORDS, ETC.

Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the

office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose. (CC 1975 §31-105; Ord. No. 346 Art. 20, §2, 2-10-69)

SECTION 405.830: APPEALS—BY WHOM, WHEN AND HOW TAKEN

Appeals to the Board of Adjustment may be taken by any person aggrieved or any neighborhood organization as defined in Section 32.105 RSMo., representing such person or by an officer, department, board, other than the Board of Adjustment, or bureau of the City affected by any decision of the Building Commissioner. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Building Commissioner and with the Board a notice of appeal specifying the grounds thereof. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. (CC 1975 §31-106; Ord. No. 346 Art. 20, §3, 2-10-69)

SECTION 405.835: APPEALS—EFFECT

An appeal to the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Board after the notice of appeal shall have been filed with him/her that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a Court of record on application or notice to the Building Commissioner on good cause shown. (CC 1975 §31-107; Ord. No. 346 Art. 20, §3, 2-10-69)

SECTION 405.840: APPEALS—NOTICE AND HEARING—APPEARANCE IN PERSON OR BY ATTORNEY—TIME LIMIT FOR DECISION

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give not less than fifteen (15) days' public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing, any party may appear, in person, by agent or by attorney. (CC 1975 §31-108; Ord. No. 346 Art. 20, §3, 2-10-69)

SECTION 405.845: APPEALS—FILING FEE

A fee of one hundred twenty-five dollars (\$125.00) shall be paid to the Building Commissioner at the time the notice of appeal is filed, which the Building Commissioner shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City. (CC 1975 §31-109; Ord. No. 346 Art. 20, §3, 2-10-69)

SECTION 405.850: POWERS AND DUTIES OF BOARD

A. The Board of Adjustment shall have the following powers, and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Chapter.
 2. To permit the extension of a District where the boundary line of a District divides a lot held in a single ownership on February 10, 1969.
 3. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Official Zoning Map, where the street layout actually on the ground varies from the street layout as shown on the Official Zoning Map.
 4. To permit the erection and use of a building or the use of premises for public utility purposes.
 5. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or the public enemy, to the extent of more than sixty percent (60%) of its fair market value, where the Board of Adjustment finds some compelling necessity requiring a continuance of the non-conforming use and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
 6. To permit a variation in the yard requirements of any District, where there are unusual practical difficulties or unnecessary hardships in the carrying out of these provisions, due to an irregular shape of the lot, topographical or other conditions; provided, that such variation will not seriously affect any adjoining property or the general welfare.
 7. To authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Chapter relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him/her unusual practical difficulties or particular hardship, such variations of the strict application of the terms of this Chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Chapter, and at the same time the surrounding property will be properly protected.
- B. In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Commissioner from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.
- C. Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation. (CC 1975 §31-110; Ord. No. 346 Art. 20, §§4,5, 2-10-69)

SECTION 405.855: BOARD OF ADJUSTMENT—DECISIONS SUBJECT TO REVIEW—PROCEDURE

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons or any officer, department, board or bureau of the City, may present to the Circuit Court of the County or City in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under Sections 89.080 and 89.110, RSMo., shall have preference over all other civil actions and proceedings.

ARTICLE XVI. TELECOMMUNICATIONS FACILITIES**SECTION 405.900: PURPOSES**

The purposes of this Article are:

1. To provide for the appropriate location and development of telecommunication facilities to serve the citizens and businesses of the City of Normandy;
2. To minimize adverse visual impacts of telecommunication facilities through the careful design, siting, landscape screening and innovative camouflaging techniques;
3. To maximize the use of existing and new telecommunication facilities so as to minimize the need to construct new or additional facilities; and
4. To maximize and encourage the use of disguised support structures so as to ensure the architectural integrity of designated areas within the City and the scenic quality of natural habitats. (Ord. No. 458 §1, 5-2-00)

SECTION 405.910: DEFINITIONS

As used in this Article, the following terms shall have the following meanings:

ANTENNA: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding Satellite Earth Stations less than six (6) feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than seventy-two (72) feet in height which is owned and operated by an amateur radio operator licensed by the FCC.

ANTENNA SUPPORT STRUCTURE: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding those support structures not greater than seventy-two (72) feet in height owned and operated by an amateur radio operator licensed by the FCC. The term antenna support structure shall also include any related and necessary cabinet or shelter.

BUILDING: A structure, other than a single-family residence, not constructed primarily for the support of antenna but which may be utilized for such purposes.

CABINET: A casing or console, not to include a shelter, used for the protection and security of communications equipment associated with one (1) or more antennas, where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.

CITY ADMINISTRATOR: The City Administrator of the City of Normandy or other designated City Official.

CO-USE: The location and use of two (2) or more antenna on a single antenna supporting structure.

DISGUISED SUPPORT STRUCTURE: Any freestanding, manmade structure designed for the support of Antennas, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flagpoles and light standards.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

FREESTANDING TOWER: A tower designed and constructed to stand alone on its own foundation and free of architectural or supporting frames or attachments, including but not limited to self-supporting (lattice) towers and monopoles.

HEIGHT: The vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

SHELTER: A building for the protection and security of communications equipment associated with one (1) or more antennas where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

STANDARD OUTDOOR ADVERTISING STRUCTURES: All signs which advertise products, services or businesses which are not located on the same premises as the sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground.

TELECOMMUNICATIONS FACILITIES: Any antenna, antenna support structure, cabinet, freestanding tower, disguised support structure, shelter, standard outdoor advertising structure or tower.

TOWER: A structure designed for the support of one (1) or more antennas, including self-supporting (lattice) towers, monopoles or other freestanding towers, or guyed towers, but not disguised support structures or buildings. (Ord. No. 458 §1, 5-2-00)

SECTION 405.920: GENERAL CRITERIA AND PREFERENCES

A conditional use permit shall be necessary to construct, alter or modify any antenna support structure, or to mount any antenna on any building or other structure, in any zoning district in Normandy, unless otherwise provided in this Article. The general criteria and preferences for granting same and the regulations governing antenna support structures shall be as follows:

1. *Building Codes and safety standards.* All antennas and antenna support structures shall meet or exceed the standards and regulations contained in applicable State and local Building and Electrical Codes as well as the applicable standards published by the Electronics Industries Association, as amended from time to time.
2. *Regulatory compliance.* All antennas and antenna support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other federal or state agency with the authority to regulate antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless an earlier date is mandated by the controlling agency.
3. *Security.* All antennas and antenna support structures shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures. Additional measures may be required as a condition of the issuance of any permit as deemed necessary by the City Administrator or the City Council.
4. *Lighting.* Antenna support structures shall not be lighted unless required by the FAA or other Federal or State agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application for conditional use permit.
5. *Advertising.* Unless a disguised support structure is in the form of a standard outdoor advertising structure, the placement of advertising on antenna support structures is prohibited.
6. *Design.*
 - a. Guyed towers are prohibited absent a determination by the City Council as provided in Section 405.940(E)(2) or 405.940(E)(3) of this Article.

- b. Antenna support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the City or the FAA, FCC or any applicable Federal or State agency, be painted a neutral color consistent with the natural or built environment of the site.
 - c. Shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with such other reasonable design guidelines as may be required by the City.
 - d. Antennas attached to a building or disguised support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.
 - e. Towers shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative fence or wall may be approved by the City upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
7. *Location and setback.*
- a. Absent a determination by the City Council as provided in Section 405.940(E)(2) or 405.940(E)(3), antenna support structures, except disguised support structures, shall not be located within three hundred (300) feet of any residential structure, or any parcel of property used as a park, playground, school, library, hospital, church, historic district, landmark, or an area on the National Register of Historic Places.
 - b. The minimum setback from all adjoining property lines shall be that required for principal structures in the applicable zoning district.
8. *Height.* Antenna support structures shall not exceed a height of eighty (80) feet in any residential district or one hundred twenty (120) feet in any other zoning district unless a different height is authorized because of the application of Section 405.920(9)(c) or because of a determination of the City Council pursuant to Section 405.940(E)(2) or 405.940(E)(3) of this Article.
9. *Co-use.* Prior to the issuance of any conditional use permit the applicant shall:
- a. Submit a notarized statement agreeing to make the proposed antenna support structure available for use by others, subject to reasonable technical limitations and financial terms.
 - b. Furnish an inventory of all known antenna support structures and potential building sites located within one-half (½) mile of the proposed structure site, identifying the owner of same as well as the antenna support structure's type and reference name or number, if applicable, and the street location, latitude and longitude, height, type and mounting height of existing antennas and an assessment of available space for the placement of additional antennas, shelters and/or cabinets. The applicant shall further demonstrate that he or she has requested co-use of each existing building or antenna support structure from the owner thereof and/or shall indicate why such co-use is inappropriate or was otherwise not allowed.

- c. Antenna support structures may be constructed or modified so as to exceed the height limitations provided in Section 405.920(8) hereof to accommodate co-use. An applicant may request an extension of twenty (20) additional feet per co-user, whether actual or anticipated, up to a limit of forty (40) additional feet. The City may also require the applicant of new construction to exceed the applicable limitation, regardless of whether a co-user is immediately available to share space with the applicant.
- d. In the event that a conditional use permit is granted for the construction of a new antenna support structure, the applicant shall notify in writing any other known potential service providers in that area that the structure will be available for co-use. Said notices shall issue on or before the day on which the applicant submits to the City an application for building permit for the structure. The notice shall allow potential co-users thirty (30) days within which to express any interest in co-use, during which time the applicant shall not commit to a design for the structure which precludes co-use, and the City shall not issue a building permit until such time has expired.
- e. The willful and knowing failure of an applicant to agree to co-use or to negotiate in good faith with potential co-users may be cause for either the denial of a pending application, the revocation of an existing conditional use permit, and/or the withholding of future similar permits to the applicant.

10. *Site selection.*

- a. Sites in the City's non-residential districts are preferred. Sites in any residential district in the City are prohibited absent a determination of necessity by the City Council pursuant to Section 405.940(E)(3). Within any zoning district, existing antenna support structures and buildings are preferred, as are locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
- b. Antennas and antenna support structures should be architecturally and visually (color, bulk, size) compatible with surrounding existing buildings, structures, vegetation, and/or uses in the area or those likely to exist under the regulations of the underlying zoning district.
- c. Antennas and antenna support structures should be located to minimize any adverse effect they may have on neighboring property values.
- d. Antennas and antenna support structures should be located to avoid a dominant silhouette on ridge lines, and preservation of view corridors of surrounding residential developments should be considered.

11. *Building mounted antennas.*

- a. Antennas mounted on buildings should be made to appear as unobtrusive as possible. Such antennas should be located as far away as feasible from the edge of the building and should be painted a color consistent with the natural or built environment of the site.
- b. Such antennas generally should not protrude more than twenty (20) feet from the top of the structure absent either (i) if the zoning district's height requirements are not violated in accordance with Section 405.930(A)(2), a finding by the City Administrator that the proposed antenna poses no detrimental effect, (ii) if the zoning district's height

requirements are violated in accordance with Section 405.930(B)(3), a determination by the City Council as provided in Sections 405.940(E)(2) or 405.940(E)(3).

12. *Miscellaneous.*

- a. If a guyed tower is authorized by the City Council pursuant to Section 405.940(E)(2) or 405.940(E)(3), its ground anchors shall be located on the same parcel as the tower and such anchors shall meet the setbacks prescribed in Section 405.920(7) hereof.
- b. Vehicle or outdoor storage on the site of any antenna support structure is prohibited.
- c. On-site parking for periodic maintenance and service shall be provided at all locations of antenna support structures.
- d. Prior to the issuance of any conditional use permit the applicant shall demonstrate how the proposed site fits into the applicant's overall telecommunications network within a six (6) mile radius of the City of Normandy.
- e. Any antenna support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the City with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the antenna support structure and any related facilities. In the case of co-use, this provision shall not become effective until all users cease operations. Any antenna support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the City at the owner's expense. (Ord. No. 458 §1, 5-2-00)

SECTION 405.930: ADMINISTRATIVE PERMIT

- A. *Permitted Uses.* Upon receipt of an appropriate building permit and an administrative permit as provided herein, the following are allowed without the issuance of a conditional use permit:
1. The attachment of additional antennas to any antenna support structure existing on May 2, 2000, or subsequently approved in accordance herewith, provided that the existing antenna support structure is not modified, either to extend the height thereof or to expand the screened and landscaped area surrounding the existing shelter.
 2. The mounting of antennas on any existing building or standard outdoor advertising structure, provided that the antennas do not exceed the height limit established by the applicable zoning district regulations, and provided further that each such antenna is concealed by architectural elements or camouflaged by painting a color matching the surface to which they are attached.
 3. The installation of antennas or the construction of an antenna support structure on buildings or land owned by the City of Normandy in conjunction with the approval of a lease agreement by the City Council.
 4. The placement of dual polar panel antennas on wooden or steel utility poles not to exceed forty (40) feet in height provided that all related equipment is contained in a cabinet.

5. The installation or mounting of antennas on any existing high voltage utility towers in excess of forty (40) feet in height.

6. The one-time replacement of any antenna support structure existing on May 2, 2000, or subsequently approved in accordance with these regulations.
 7. The construction of any antenna support structure or the mounting of any antenna on a building on any site previously unimproved by such telecommunications facilities but otherwise approved by the City as an accepted location for such facilities.
- B. *Non-Permitted Uses.* The following uses are not permitted uses and require the issuance of a conditional use permit:
1. The construction of any antenna support structure, or the alteration or modification of any antenna support structure.
 2. The attachment of additional antennas to any antenna support structure existing on May 2, 2000, or subsequently approved in accordance with these regulations which requires a height extension of the existing structure beyond the limits provided herein.
 3. The mounting of antennas on any building when said mounting would exceed the height limit of the applicable zoning district.
- C. *Application Procedures.* Applications for administrative permits shall conform to the following:
1. Applications shall be made on the appropriate forms to the City Administrator and as provided herein and shall be accompanied by payment of the established fee. Applications shall be deemed received by the City Administrator upon completion, as determined by the City Administrator.
 2. An application shall include a detailed site plan based on a closed boundary survey of the host parcel, indicating all existing and proposed improvements, including buildings, drives, walkway, parking areas and other structures, and also indicating public rights-of-way, the zoning categories of the host parcel and adjoining properties, the location of buffer and landscape areas, hydrologic features, and the coordinates and height of the proposed structure.
 3. The application shall be reviewed by the City Administrator to determine compliance with all applicable standards established in this Article. The City Administrator may (1) request additional information from the applicant consistent with said standards and (2) transmit the application for review and comment by other departments and public agencies which may be affected by the proposed facility, and in either case the application shall not be deemed to be complete until such information is received.
 4. The City Administrator shall also forward a copy of the application to the Mayor and City Council. The City Council may require a public hearing in accordance with Section 405.940 prior to a decision being made by the City Administrator, provided said hearing shall be opened within sixty (60) days of the date on which the application is deemed complete and received by the City Administrator. The City Council may exercise its discretion to continue the public hearing beyond the sixty (60) day period for the purpose of accepting additional oral or documentary evidence into the record for consideration. In such event the City Administrator shall issue a decision on the permit within twenty (20) days of the date of the completion of the public hearing or the application shall be deemed approved. If no public hearing is required by the City Council, the City Administrator shall issue a decision on the permit within sixty (60)

days of the date on which the application is deemed complete and received by the City Administrator or the application shall be deemed approved.

5. The City Administrator may deny the application or approve the application as submitted or with such modifications as are, in his or her judgment, reasonably necessary to protect the safety or general welfare of the citizens of the City. A decision to deny an application shall be made in writing and shall state the reasons for the denial. If the City Administrator denies the application, the matter shall be referred to the City Council for further consideration consistent with Section 405.940. (Ord. No. 458 §1, 5-2-00)

SECTION 405.940: CONDITIONAL USE PERMIT

- A. *Generally.* Applications for conditional use permits shall be filed, processed, reviewed and decided in the manner and time frame established for all other conditional use permits under Section 405.700 except as may be supplemented by this Article.
- B. *Applications.* In addition to all other filing requirements, the application shall include such information as is required or may otherwise be responsive to the criteria and preferences established in Section 405.920 hereof.
- C. *Public Hearing.* The public hearing required by Section 405.700(F) for consideration of a conditional use permit application shall be recorded, and all documentary evidence of any kind submitted in support of or against the application shall be identified and labeled by the City Clerk and made a part of the public record. The City Council may exercise its discretion to continue the public hearing for the purpose of accepting additional oral or documentary evidence into the record for consideration.
- D. *Findings Required.* In addition to any other considerations required by either this Article or Section 405.700, before issuing a conditional use permit for any antenna support structure the City Council shall consider and determine the following based upon the evidence submitted:
 1. Whether existing antenna support structures or buildings are located within the geographic network area necessary to meet the applicant's system engineering requirements.
 2. Whether such existing antenna support structures or buildings are of sufficient Height to meet system engineering requirements.
 3. Whether such existing antenna support structures or buildings have sufficient structural strength to support the applicant's proposed antenna(s).
 4. Whether such existing antenna support structures or buildings could be altered or modified to meet system engineering requirements or to support the applicant's proposed antenna(s).
 5. Whether the proposed antennas would experience or cause signal interference with antennas on existing antenna support structures or buildings.
 6. Whether the fees, costs, or other contractual terms required by an owner to lease, modify or otherwise provide for co-use on an existing and suitable antenna support structure or building are reasonable. Costs exceeding that of a new antenna support structure are presumed unreasonable.
 7. Whether there are other limiting conditions that render existing antenna support structures or buildings within the applicant's required geographic area unsuitable.

E. *Determination.*

1. If the City Council determines that, in light of the considerations noted in Section 405.940(D), an application meets the criteria and preferences established in Section 405.920 hereof and otherwise is in accordance with this Article, the Council shall grant a conditional use permit, subject to whatever conditions the Council deems appropriate.
2. The Council may determine that although an application does not meet the strict requirements of the criteria and preferences established in Section 405.920, the general purpose and intent of said criteria and preferences are not offended because of the particular circumstances presented. If such a determination is made, the Council may vary the application of the criteria and preferences and grant a conditional use permit, subject to whatever conditions the Council deems appropriate.
3. The Council may determine that the criteria and preferences established in Section 405.920 effectively would preclude the applicant's reception and/or transmission of signals and that the applicant's proposed location and height are a matter of absolute engineering and economic necessity in order to ensure the completion of the applicant's network. If such a determination is made, the Council may grant a conditional use permit, subject to whatever conditions the Council deems appropriate.
4. Any decision by the City Council to deny a conditional use permit shall be in writing, based upon the evidence adduced, and shall make specific findings of fact consistent with the criteria, preferences and considerations established herein.

F. *Appeal.* Appeals from the Council's denial of a conditional use permit shall be taken to the Circuit Court of St. Louis County or to any court or agency allowed by Federal law, specifically the Telecommunications Act of 1996, as amended. (Ord. No. 458 §1, 5-2-00)

CHAPTER 410: SUBDIVISION REGULATIONS

Editor's Note—This chapter comprises the subdivision regulations of the City, as contained in article XIII of ordinance no. 346. The provisions contained in this chapter were originally enacted as part of the zoning ordinance of the city and, as such were adopted with the same formality as required by chapter 89, RSMo.

Cross References—As to property maintenance code generally, see ch. 505 of this Code; as to streets, sidewalks and public places generally, see ch. 510; as to zoning generally, see ch. 405.

SECTION 410.010: SUBDIVISION OF LAND DEFINED

For the purposes of this Chapter, a "subdivision of land" is:

1. The division of land into two (2) or more tracts, sites or parcels of less than three (3) acres in area.
2. Dedication or establishment of a street through a tract of land.
3. Resubdivision of land heretofore divided or platted into lots, sites or parcels, containing one (1) acre or more or a total area of one (1) acre or more.
4. Any sale or contract of sale or agreement to purchase any lot or division of land, either by lot description or by metes and bounds, shall constitute a subdivision of land, as defined in the preceding portion of this Section, and requires, prior to any sale or contract of sale or agreement to purchase, and before the delivery of a deed, the submission of a plat to the Zoning and Planning Commission as required by law; provided, that this shall not apply to land in subdivisions previously recorded, to sales of land used or to be used for orchards, forestry or the raising of crops, in parcels of three (3) acres or more in size, upon certification by the Zoning and Planning Commission, or to the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, upon certification which must be granted by the Zoning and Planning Commission.
(CC 1975 §28-1; Ord. No. 346 Art. 13, §1, 2-10-69)

SECTION 410.020: APPROVAL OF ZONING AND PLANNING COMMISSION REQUIRED BEFORE RECORDING OF SUBDIVISION PLAT

Every subdivision of land within the incorporated area of the City shall be shown upon the plat and submitted to the Zoning and Planning Commission for approval or disapproval. No plat shall be recorded in the office of the Recorder of Deeds, and no lots shall be sold from such plat unless or until approved by the Zoning and Planning Commission of the City.
(CC 1975 §28-2; Ord. No. 346 Art. 13, §2, 2-10-69)

Cross Reference—As to zoning and planning commission generally, see ch. 400 of this Code.

SECTION 410.030: REQUIRED IMPROVEMENTS AND PLANS THEREFOR—BOND OR ESCROW AGREEMENT TO ASSURE COMPLETION OF IMPROVEMENTS

Plans for improvements required in Section 410.050 through Section 410.100 shall be prepared by a registered engineer. The improvements listed in those Sections shall be installed prior to the approval of the final plat, which is prepared for recording purposes. In lieu of actual completion of such improvements, the subdivider may file with the Zoning and Planning Commission a surety bond or approved escrow agreement to secure the City the actual construction of such improvements in a manner satisfactory to the City and within a period specified by the Commission, but such period shall not exceed two (2) years. Such bond or escrow agreement shall be in the amount and with surety and conditions satisfactory to the City and shall be accompanied by signed statements from the City Engineer or Building Commissioner that the amount of the Bond or escrow agreement is adequate to cover the cost of the improvements. (CC 1975 §28-3; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.040: RIGHTS OF AND LIMITATIONS ON OWNER OF TRACT UPON TENTATIVE APPROVAL OF PLAT

The owner of the tract may prepare and secure tentative approval of a final subdivision plat of the entire area and may install the improvements required by this Chapter only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plan is approved for recording, and the owner may sell or lease or offer for sale or lease lots only in the improved portion of such property; provided, that trunk sewers and sewage treatment plants be designed and built to serve the entire area or designed and built in such a manner that they can easily be expanded or extended, as the case may be, to serve the entire area. (CC 1975 §28-4; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.050: PERMANENT MONUMENTS—BENCH MARK

All subdivision boundary corners and the four (4) corners of all street intersections shall be definitely marked with permanent monuments. A permanent marker shall be constructed of concrete with a minimum dimension of four (4) inches extending below the frost line, or steel pipe firmly imbedded in concrete which extends below the frost line. Should conditions prohibit the placing of monuments on line, offset marking will be permitted; provided, that exact offset courses and distances are shown on the subdivision plat. (CC 1975 §28-5; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.060: STREETS

- A. All street rights-of-way shall be graded full width and the roadway improved by surfacing. Roadway surfacing shall be in accordance with the County standard specifications for concrete roads, until such time as the City may, by separate ordinance, provide for other road specifications.
- B. All grading and surfacing shall be done under supervision of a registered engineer, or such other person as the City Council may designate, and shall be subject to approval. The treatment of the intersection of any new street with a State highway shall be approved by the Missouri Department of Transportation, and such other person as the City Council may designate to supervise construction and maintenance of City streets. (CC 1975 §28-6; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.070: SIDEWALKS

Sidewalks may be required along officially designed major highways or along secondary streets where deemed essential for public safety by the Zoning and Planning Commission.
(CC 1975 §28-7; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.080: WATER LINES

- A. Where an approved public water supply is reasonably accessible or procurable, the subdivider shall connect with such water supply and make it available for each lot within the subdivision area.
- B. Pending availability of a public water supply, the subdivider shall construct drilled wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot within the subdivision. The installation furnished and the approval thereof shall comply with the requirements of the State Board of Health. The water supply system shall be constructed under supervision of the County Health Department, and the plat shall not be recorded until the regulations of the State Board of Health are complied with.
(CC 1975 §28-8; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.090: SEWERS

- A. The subdivider shall connect with such sanitary sewer and provide adequate sewer lines accessible to each lot. Sewer connections and subdivision sewer systems shall comply with the regulations of the State Board of Health and shall be constructed under the supervision of the County Health Department, and shall be approved by those authorities or by the Metropolitan St. Louis Sewer District.
- B. Adequate provision shall be made for the disposal of storm water, subject to the approval of the Zoning and Planning Commission and the Metropolitan St. Louis Sewer District.
(CC 1975 §28-9; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.100: TREES

The subdivider shall plant trees on all streets in new residential subdivisions that are not located in wooded areas. Before the trees are planted, the subdivider should submit a plan of such planting to the Zoning and Planning Commission for its study and recommendations, to prevent the planting of certain species that would become nuisances because of insects or disease or because of their roots unduly interfering with sewer mains or other underground utilities.
(CC 1975 §28-10; Ord. No. 346 Art. 13, §3, 2-10-69)

SECTION 410.110: VARIATIONS AND EXCEPTIONS

Whenever the tract to be developed is of such unusual size or is surrounded by such development or unusual condition that the strict application of the requirements contained in this Chapter would result in real difficulties and substantial hardships or injustices, the Zoning and Planning Commission may vary or modify such requirements, so that the subdivider may be allowed to

develop his/her property in a reasonable manner, but so that, at the same time, the public welfare and the interests

of the City are protected and the general intent and the spirit of this Chapter is preserved.
(CC 1975 §28-11; Ord. No. 346 Art. 13, §4, 2-10-69)

SECTION 410.120: COMMERCIAL AREA IN RESIDENTIAL SUBDIVISIONS

- A. Any new subdivision containing not less than fifty (50) lots for residential purposes or any community development recorded after February 10, 1969, may include provisions for not more than three (3) local business lots per fifty (50) residential lots or dwelling units, together with the necessary lot area for off-street parking required in the "E" Neighborhood Shopping District regulations; provided, that the total frontage of the three (3) local business lots shall not be more than three hundred (300) lineal feet.
- B. The uses allowed on such local business lots shall be the same as those authorized in the "E" Neighborhood Shopping District regulations.
- C. The height, area, intensity of use and parking regulations shall be the same as those authorized in the "E" Neighborhood Shopping District Regulations.
- D. No public hearing shall be required for the approval of such local business lots in a new subdivision, unless the contemplated business lots front upon a street which is within one hundred eighty-five (185) feet from a District zoned "A" or "B" Single-Family Dwelling District.
(CC 1975 §28-12; Ord. No. 346 Art. 13, §5, 2-10-69)

Cross References—As to "A" single-family dwelling district regulations, see §405.150 et seq.; as to "B" single-family dwelling district regulations, see §405.220 et seq.; as to "E" neighborhood shopping district regulations, see §405.450 et seq.

SECTION 410.130: ADMINISTRATION AND AMENDMENT

The Zoning and Planning Commission may from time to time adopt, amend and publish rules and instructions for the administration of the regulations of this Chapter to the end that the public be informed and that approval of plats be expedited. (CC 1975 §28-13; Ord. No. 346 Art. 13, §6, 2-10-69)

Cross Reference—As to zoning and planning commission generally, see ch. 400 of this Code.

CHAPTER 415: SIGN REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 415.010: DEFINITIONS

As used in this Chapter, the following words shall have the meanings respectively ascribed by this Section:

ADVERTISING DEVICE: Includes streamers, banners, wires or ropes, flashing lights, wind operated devices and other items.

FLOOR AREA: The gross floor area of a structure used or intended to be used for service to customers.

LOT: Any parcel or tract of land accessible by means of a street. It may mean a single parcel separately described by plat or may include a part or combinations of parcels utilized as a single parcel of ground as shall be determined by the Building Commissioner.

MONUMENT SIGN: Any sign supported by a fixed base or two (2) or more upright posts or braces, placed upon or fixed to the ground and not attached to any building.

POST SIGNS: Any sign not attached to a building and supported by one (1) or more stationary posts longer than five (5) feet above the mean grade level of the ground.

PROJECTING SIGNS: Any sign attached to a building wall and extending over six (6) inches from the wall to which it is attached.

ROOF SIGN: Any sign erected on a roof.

SHOPPING CENTER: Any building or group of buildings located on a lot containing four (4) or more stores or shops.

SIGN AREA: The total area of the space to be used for advertisement including the background but not including sign supports.

WALL SIGN: Any sign erected against a wall of any building with the face of the sign being parallel to the plane of the wall on which it is erected. (Ord. No. 49 §1, 9-19-78)

SECTION 415.020: PERMITS REQUIRED

- A. No sign of any of the types defined herein shall be erected, altered, or relocated until a permit therefore shall have been issued by the Building Commissioner. No such permit shall be granted until after an application has been filed showing the plans and specifications, dimensions and details of construction of the proposed sign, nor until all the provisions of this Chapter shall have been complied with.
- B. The fees for such permits shall be determined by resolution of the City Council.

- C. Any permit application for erection of any sign on the public right-of-way, sidewalk, parkway or public place shall be submitted to the City Council for approval by resolution.
(Ord. No. 49 §2, 9-19-78)

SECTION 415.030: EXEMPTED SIGNS

- A. Signs meeting the following conditions need not be covered by a sign permit and are exempt from the requirements of this Chapter:
1. Bulletin boards which:
 - a. Do not exceed sixteen (16) square feet in gross sign area;
 - b. Are placed by a public, charitable or religious institution; and
 - c. Are located on the institutions premises.
 2. Memorial signs or tablets denoting the name of a building and date of erection, if:
 - a. Cut into masonry surface, or
 - b. Constructed of bronze or other incombustible metallic materials.
 3. Municipal signs, legal notices, railroad crossing signs, danger signals and such temporary emergency signs or non-advertising signs which may be approved by the Building Commissioner.
 4. Occupational signs denoting the business name of an occupation legally conducted on the premises, provided that:
 - a. The sign is non-illuminated, and
 - b. The sign area does not exceed one (1) square feet, and
 - c. The sign is attached to the building within which the occupation is conducted.
 5. Paper signs affixed to the inside of a window and advertising temporary commercial situations relating to a legally operating business involving goods or services sold on the premises, provided that:
 - a. The total of all signs in that window must have a gross sign area no greater than thirty-three percent (33%) of the window's area, and
 - b. The sign(s) are in place no longer than thirty (30) days.
 6. Political signs, if:
 - a. They do not exceed six (6) square feet in size, and

- b. They are posted on private property with the permission of the property owner or tenant,
and

- c. They are not in place longer than five (5) days after the election to which they relate.
- 7. Real estate signs which comply with the provisions of Section 415.130 et seq. of this Chapter.
- 8. Special display signs used for holidays, public demonstrations, or the promotion of civic welfare or charitable purposes, if they are approved by the City Council following submission of a written application for such approval.
- 9. Subdivision or apartment complex identification signs, provided that:
 - a. Only one (1) sign is erected at any entrance to the subdivision or apartment complex. If there is more than one (1) entrance, signs may not be erected within two hundred (200) feet of each other, and
 - b. The signs may not advertise the availability of housing units for sale or rent, and
 - c. The sign areas of individual signs does not exceed twelve (12) square feet on both sides of a two (2) sided sign or eight (8) square feet on a one (1) sided sign, and
 - d. Signs may be located on private property only with the written consent of the property owner or on the public right-of-way only by approval of the City Council following written application for such approval.
- 10. Temporary signs denoting the architect, engineer or contractor or any building project, provide that:
 - a. Signs must be placed within the lot where construction is under progress, and
 - b. Total sign area may not exceed fifty (50) square feet, and
 - c. The sign must be removed within ten (10) days after completion of the construction period.
- 11. Signs advertising yard sales or garage sales, provided that:
 - a. Such signs shall not exceed six (6) square feet, and
 - b. Such signs not be erected prior to the date of such sale and be removed immediately following the close of such sale.
- B. Pre-existing signs legally erected under the provisions of the ordinances of the City of Normandy shall be exempt from the provisions of this chapter for a period of seven (7) years from the date of passage of this Chapter, provided that:
 - 1. If there is a change of ownership or tenancy which requires a new occupancy permit for the business or premises to which the sign relates, all signs must be brought into compliance with the provisions of this Chapter, or
 - 2. If any sign is moved, wither on the premises or to another location off the premises, it must be brought into compliance with the provisions of this Chapter, or

3. If the cost of any sign maintenance or repair exceeds fifty percent (50%) of the replacement value of the sign, then the sign must be made to conform with the provisions of this Article or may be replaced by a new, conforming sign, or
4. If any sign is declared to be unsafe or to be in a condition of disrepair as prescribed in Section 415.110(C) herein, it shall be brought into compliance with the provisions of this Chapter or replaced by a new, conforming sign. (Ord. No. 49 §3, 9-19-78)

SECTION 415.040: GENERAL PROVISIONS

- A. No sign shall be erected that by its position, shape or color it might interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- B. No sign shall be erected at any intersection in such a manner as to obstruct the free and clear vision of traffic.
- C. No sign shall make use of the words "stop", "look", "drive in", "danger", or any other words or combination of words, phrases, or symbols in such a manner as to interfere with, mislead or confuse traffic.
- D. Signs containing any flashers, animators, or mechanical movements, or contrivances of any kind, excepting clocks, shall not be erected, installed or maintained in the City of Normandy.
- E. Paper posters applied directly to the wall of any building, pole or support, and letters or pictures in the form of advertising, printed or applied directly on the wall of any building are hereby prohibited.
- F. No sign shall be erected, constructed, or maintained within the City of Normandy except such signs as shall refer to the business conducted on the premises on which such signs are located.
(Ord. No. 49 §4, 9-19-78)

SECTION 415.050: MONUMENT SIGNS

Any commercial building located on a lot with at least fifty (50) linear feet fronting on Natural Bridge, Florissant Road, Bermuda Road or Woodstock Avenue, shall be permitted one (1) monument sign provided that:

1. No such sign shall be located closer than ten (10) feet to the street. No such sign located on a corner lot shall interfere with, obstruct or confuse traffic, and
2. No such sign shall be higher than five (5) feet above the street level or above the mean level of the grade on which the sign is located, whichever is higher, and
3. No such sign shall contain more than fifty (50) square feet on both sides of a two-sided sign or thirty (30) square feet on a one-sided sign. (Ord. No. 49 §5, 9-19-78)

SECTION 415.060: POST SIGNS

- A. No post signs shall be permitted on any lot or tract of ground in the City of Normandy, except:
1. Any lot having a frontage of at least one hundred (100) feet on a thoroughfare in the City and having a building with a single occupant shall be permitted one (1) post sign advertising the store located therein.
 2. Any commercial building with at least four (4) offices, stores or shops or any shopping center, shall be permitted one (1) common building directory sign relating only to the name of the building or shopping center and names of the stores, offices and shops located therein.
- B. All such post signs permitted under Subsection (A) herein shall be subject to the following conditions:
1. Its location and design shall be subject to approval of the City Council prior to its installation, and
 2. Its total sign area shall not exceed one hundred (100) square feet nor shall its height exceed the provisions of the Zoning Ordinance, and
 3. Any store, shop or office located in a commercial building or shopping center which is permitted a common building directory sign under Subsection (A)(2) herein, shall not be permitted any other signs except wall signs as permitted in Section 415.070 herein.
(Ord. No. 49 §6, 9-19-78)

SECTION 415.070: WALL SIGNS

- A. Wall signs shall not exceed fifty (50) square feet in area for any store, except:
1. Any commercial building occupied by one (1) person only and having a front wall area of over two thousand (2,000) square feet shall be permitted a wall sign with an area of five percent (5%) of the area of the front wall of such building; provided however, that in no case shall such sign exceed two hundred (200) square feet.
 2. Any commercial building occupied by one (1) person only and having a front wall area less than two thousand (2,000) square feet shall be permitted a wall sign not to exceed five percent (5%) of such wall area or twenty-five (25) square feet whichever is greater.
- B. Any building located on a corner lot shall be permitted a wall sign on both sides of the building facing any street.
- C. No wall sign shall exceed forty (40) square feet unless made of incombustible material. No wall sign shall extend above the top of the wall or beyond the end of the wall. No wall sign may project more than six (6) inches from the plane of the wall on which it is erected nor shall it be attached to the wall at less than eight (8) feet above the ground or sidewalk. (Ord. No. 49 §7, 9-19-78)

SECTION 415.080: ROOF SIGNS

- A. Roof signs shall display no advertising matter except pertaining to the business conducted on the premises and shall not be so placed as to prevent the free passage from one part of said roof to another.
- B. All roof signs will be subject to the following conditions:
 - 1. Be set back from the roof edge. No sign shall be placed so that any part of the sign projects beyond the plane of the outside walls, and
 - 2. No sign shall exceed five (5) feet in height nor shall it exceed one hundred (100) square feet in total sign area, and
 - 3. No sign shall be erected where the combined height of the sign and building will exceed the provisions of the Zoning Ordinance. (Ord. No. 49 §8, 9-19-78)

SECTION 415.090: PROJECTING SIGNS

No projecting signs of any type will be permitted. (Ord. No. 49 §9, 9-19-78)

SECTION 415.100: TEMPORARY SIGNS

No sign or device in the nature of an advertisement or announcement so constructed as to be movable shall be placed or permitted to be placed on any part of the street, sidewalk, parkway, curb or gutter. Only one (1) such sign may be placed on private property for a period not to exceed thirty (30) days upon the approval of the Building Commissioner. (Ord. No. 49 §10, 9-19-78)

SECTION 415.110: UNLAWFUL SIGNS

- A. Any sign installed, erected or maintained in violation of the provisions of this Chapter shall be deemed to be unlawful.
- B. Any sign not advertising a business on the property or building upon which the sign is located shall be deemed an unlawful sign.
- C. Any sign declared by the Building Commissioner to be unsafe or to be in a state of disrepair such that, because of its condition or appearance, it would have a damaging effect upon the property values in the City of Normandy shall be deemed to be unlawful. (Ord. No. 49 §11, 9-19-78)

SECTION 415.120: ENFORCEMENT PROCEDURES

The Building Commissioner may, at any time he/she deems necessary, inspect any sign structure regulated by this Chapter and shall enforce the provisions of this Chapter utilizing the following procedures:

1. If it is found that a sign is in violation of this Chapter, the Building Commissioner shall give written notice to the owner of the sign or, if the owner cannot be located, to the owner of the

premises where the sign is located or, if the sign erection is not completed, to the sign erector, stating:

- a. The specific violations of this Chapter found to exist.
 - b. Notice that the conditions must be brought into compliance within five (5) days,
 - c. The specific standards to be met.
 - d. Failure to comply or make a good faith effort to comply will result in court action and removal of the sign at the expense of the sign owner or owner of the premises where the sign is located.
 - e. The sign owner has the right of appeal to the Board of Adjustment.
2. Any sign which is deemed by the Building Commissioner to be of immediate danger to persons or property may be removed immediately without notice as required under Subparagraph (1) of this Subsection (A).
 3. In the event of the failure of any party to reimburse the City within thirty (30) days for costs incurred in repair or removal of an unlawful sign, the cost shall become a special tax bill and shall be a lien upon the property.
 4. The Building Commissioner shall not issue any further sign permits to persons refusing to pay costs assessed nor shall any occupancy permits be issued for the use of the property involved until such costs have been paid. (Ord. No. 49 §12, 9-19-78; Ord. No. 329 §1, 10-8-91)

ARTICLE II. REALTY SIGNS

SECTION 415.130: REALTY SIGNS PERMITTED AND REGULATED

- A. Any owner may erect, or cause to be erected by his/her real estate agent, one (1) display sign bearing the words "For Sale", "For Lease", "Open" or "Sold", or any other words or signs in relation to the sale, rental, or lease of any real property in the City of Normandy, on the parcel of ground to which the sign refers provided that the following conditions are met:
 1. The real estate agent has the prior written permission of the owner(s) of the subject property to erect said sign;
 2. The real estate agent has registered with the City of Normandy his/her listing of the subject property as required by ordinance; and
 3. All dwelling units located on the subject property have been issued a valid "Certificate of Compliance" as provided for in the minimum housing code.
- B. All signs erected under Subsection (A) herein shall be promptly removed upon issuance of an occupancy permit for the subject property, or the revocation or expiration of the Certificate of Compliance.

- C. All signs erected under Subsection (A) herein shall be placed on the subject property only. No signs directing prospective buyers or renters to the subject property shall be permitted on any public right-of-way or on any private property which is not the property to which the sign refers.
- D. No signs erected under Subsection (A) herein shall exceed five (5) square feet. Only one (1) sign shall be permitted per house except double "back-to-back" signs will be allowed for two (2) directional visibility.
- E. The same rules shall apply to signs placed upon buildings or in windows of residential property as those for yard signs. (Ord. No. 38 §2, 3-28-78)

SECTION 415.140: OTHER REGULATIONS

No display signs, flags, pennants or other attention attracting devices pertaining to the sale, rent or lease of property, whether inside a vehicle or outside, shall be permitted on City property at any time. (Ord. No. 38 §3, 3-28-78)

SECTION 415.150: ZONING USES REQUIRED ON COMMERCIAL SIGNS

Any signs advertising property for sale, rent or lease located in any zoning district which can be classified as "commercial" must set forth, in letters at least two (2) inches in height, the zoning district in which the parcel of real estate is situated. Signs erected in commercial districts shall be removed immediately following sale of the subject property. (Ord. No. 38 §4, 3-28-78)